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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[1943 C.C.C. Bean and Pea Form 1, Sup. 1]

PART 237—1943 BEAN AND PEA LOANS AND PURCHASES.

TYPE OF LOANS; DETERMINATION OF QUANTITY IN STORAGE STRUCTURE

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), Commodity Credit Corporation has authorized the making of loans on dry edible beans stored on farms in approved storages or in approved warehouses, or dry edible smooth peas stored in approved warehouses, cleaned and bagged, at country shipping points, in accordance with the regulations in this part (1943 C.C.C. Bean and Pea Form 1—Instructions). Such regulations are amended as follows:

Section 237.28 is amended to read as follows:

§ 237.28 *Type of loans.* Loans will be made on dry edible smooth peas when stored in approved warehouses and when storage and handling charges have been prepaid through April 30, 1944, including loading-out charge. These loans will be made on a note and loan agreement basis, and may be satisfied by payment of the amount of the loan plus interest, or by surrender of the warehouse receipts to Commodity Credit Corporation.

Loans will also be made on dry edible smooth peas stored on farms in the following states:

Arizona, California, Colorado, Idaho, Kansas, Michigan, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

Farm-stored loans will be made on a note and chattel mortgage basis and may be satisfied by payment of the loan plus interest, or by delivery of the peas to Commodity Credit Corporation at an assembling point specified by Commodity Credit Corporation. Such assembling point shall be a place where peas can be cleaned, bagged, and tagged, and loaded for shipment according to approved charges. The Grain Producer's Note, C.C.C. Grain Form A, (Revised), and Grain Chattel Mortgage, C.C.C. Grain Form AA, (Revised), shall be executed in the same manner as for farm-stored dry edible bean loans. No payment for farm storage will be allowed. Consent for storage until July 1, 1944, will be required.

The following new section is added as follows:

§ 237.31 *Determination of quantity of peas in storage structure.* For U. S. No. 1 and 2 peas the number of cubic feet in the bin shall be divided by 2.1 to determine the number of 100 pound units. On thresher-run peas the number of cubic feet shall be divided by 2.1 and the result multiplied by .95. If the amount of dockage is excessive the quantity of peas shall be reduced in an amount determined by the county committee.

Dated: August 10, 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43-16137; Filed, October 1, 1943; 11:55 a. m.]

[1943 C. C. C. Wheat Form 1]

PART 240—1943 WHEAT LOANS

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by wheat stored on farms or in approved public grain warehouses. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans on wheat and the purchase of notes secured by wheat.

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240.16 Purchase of loan.
240.17 Offices of the regional directors of Commodity Credit Corporation.
240.18 Release of collateral held by Commodity Credit Corporation.
240.19 Partial releases of collateral.

AUTHORITY: §§ 240.1 to 240.19, inclusive, issued under 52 Stat. 43, 820, 55 Stat. 203, 860, 872, 56 Stat. 767; 7 U.S.C. and Sup. 1302, 1330, 1340, 50 U.S.C. App. Sup. 968.

§ 240.1 *Definitions.* For the purpose of the instructions in this part and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Producer eligibility.* A producer will be eligible for a wheat loan if:

(1) The 1943 acreage of wheat on the farm does not exceed the wheat acreage allotment under the 1943 Agricultural Conservation Program; or

(2) No deductions from payments for the farm have been or will be computed under the 1943 Agricultural Conservation Program for failure to meet 90 percent of the 1943 war crop goal.

(b) *Eligible wheat.* Wheat of acceptable quality, as defined below, which was produced in 1943, the beneficial interest to which is and always has been in an eligible producer as defined under (a) above; or wheat represented by a "Certificate of Indemnity", Form FCI-74, issued by the Federal Crop Insurance Corporation to an eligible producer.

(1) Wheat of any class grading No. 3 or better, or wheat grading No. 4 or 5 solely on the factor of test weight, but otherwise grading No. 3 or better, when stored on the farm or in approved warehouses, (To be acceptable, however, warehouse-stored wheat grading No. 4 or 5 must be evidenced by a statement of the warehouseman on the warehouse receipt, the inspection certificate, or the warehouseman's supplemental certificate, substantially as follows: "This wheat grades No. _____ solely on account of test weight.") Wheat of the classes hard red spring or durum shall contain not more than 14½ percent moisture, and wheat of other classes shall contain not more than 14 percent moisture, except that:

(i) When stored in warehouses wheat containing not more than 15½ percent moisture in States west of the Mississippi River and 17 percent moisture in States east of the Mississippi River, grading tough or carrying a notation as to weevils or other insects injurious to stored grain, but otherwise eligible, may be processed at the producer's expense, and such wheat will thereafter be considered eligible for loan purposes provided the original warehouse receipt and warehouseman's supplemental certificate, in addition to other original documents, are accompanied by a certificate of the approved warehouseman issuing said receipts, which should read as follows:

The wheat represented by attached warehouse receipt No. _____, dated _____, covering loan wheat has been processed at the request of the eligible producer and redelivery will be made of the same country-run quality, quantity, grade, and protein as shown on the said warehouse receipt and accompanying original inbound inspection, weight, and other required documents free of "tough" and "weevily" notation. Lien for processing charges will not be claimed by warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

_____ (Signed) _____
(Address) (Warehouseman)
Date _____ 19____.

(ii) When stored on the farm in all counties in the States of Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, and Virginia, and in all counties in the States of Indiana and Ohio north of or intersected by the fortieth parallel meridian, wheat of the classes hard red winter, soft red winter, white, and mixed wheat of the above classes grading tough but containing not more than 14½ percent moisture, if otherwise meeting the requirements of Commodity Credit Corporation, and in good sound condition, will be eligible for a loan at a discount of 2 cents per bushel from the rate for such wheat testing 14 percent or less in moisture content.

(2) Wheat of the class mixed wheat, consisting only of mixtures of those eligible classes of wheat on which loan rates are established, provided such mixtures are the natural product of the field.

(c) *Eligible storage.* Eligible storage shall include public grain warehouses and farm storage meeting the following respective requirements:

(1) Public grain warehouses must meet the requirements of Commodity Credit Corporation, and must have executed the Uniform Grain Storage Agreement. Such warehouses may be situated either at terminal, subterminal, or country points.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and permanent construction, as determined by the county agricultural conservation committee, as to afford safe storage of the wheat for a period of 2 years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, making loans in accordance with these instructions, which has executed the Contract to Purchase on 1940 C. C. C. Form E.

(e) *Eligible paper.* For the purpose of the Contract to Purchase, eligible paper shall consist of producers' notes secured by chattel mortgages for wheat stored on the farm, or warehouse receipts representing wheat stored in approved warehouses. Notes must be dated on or subsequent to June 1, 1943, and prior to January 1, 1944, and executed in accordance with these instructions, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.

§ 240.2 *Areas in which loans are available.* Loans are available on eligible wheat stored in approved public grain warehouses.

Loans are available on eligible wheat stored on farms in the following areas:

All counties in California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wis-

consin, and Wyoming, and in the following counties of the following States:

OKLAHOMA: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

TEXAS: Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fischer, Floyd, Foard, Gaines, Garza, Grey, Hale, Hall, Hansford, Hartley, Hardeman, Haskell, Hemphill, Hockley, Howard, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

§ 240.3 *Loan rates.* Loan rates on wheat of the designated grades and subclasses stored in approved public grain warehouses or stored on farms, in counties where farm storage is permitted, are set out below and in State supplements (1943 C. C. C. Wheat Form 1—Supplement 2—Kansas, et cetera), which State supplements are available at the offices of the county agricultural conservation committees:

(a) *Amount of loans at terminal markets.* Loan rates on wheat of the designated grades and subclasses stored in approved public grain warehouses at the following terminal markets shall be as follows:

Market, grade and subclass	*Loan rate per bushel*
Kansas City, St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa:	
No. 2 Hard Winter	$1.37
No. 2 Red Winter	1.37
No. 1 Dark Northern Spring	1.40
No. 1 Northern Spring	1.38
No. 2 Soft White	1.36
No. 2 Hard White	1.37
No. 2 Amber Durum	1.37
No. 2 Red Durum	1.20
No. 2 Hard Amber Durum	1.39
No. 2 Amber Mixed Durum	1.33
No. 2 Mixed Durum or Mixed Wheat (containing 10% or more Durum)	1.20
No. 2 Mixed Wheat (less than 10% Durum)[1]	1.34
Chicago, E. St. Louis, Ill.; Milwaukee, Wis.; St. Louis, Mo.:	
No. 2 Hard Winter	1.42
No. 2 Red Winter	1.42
No. 1 Northern Spring	1.42
No. 2 Mixed Wheat[1]	1.39
San Francisco, Los Angeles, Stockton, Oakland, Calif.:	
No. 1 Soft White	1.37
No. 1 White Club	1.37
No. 1 Western White	1.37
No. 1 Hard Winter	1.37
No. 1 Western Red	1.37
No. 1 Mixed Wheat[1]	1.34
Minneapolis, St. Paul, Duluth, Minn.; Superior, Wis.:	
No. 1 Dark Northern Spring	1.42
No. 1 Northern Spring	1.40
No. 2 Hard Winter	1.37
No. 2 Red Winter	1.37
No. 2 Amber Durum	1.39
Market, grade and subclass—Con.	*Loan rate per bushel*
Minneapolis, St. Paul, Duluth, Minn.; Superior, Wis.—Continued.	
No. 2 Red Durum	$1.22
No. 2 Hard White	1.37
No. 2 Soft White	1.36
No. 2 Hard Amber Durum	1.41
No. 2 Amber Mixed Durum	1.35
No. 2 Mixed Durum or Mixed Wheat (containing 10% or more Durum)	1.22
No. 2 Mixed Wheat (less than 10% Durum)[1]	1.34
Portland, Oreg.; Seattle, Vancouver, Longview, Tacoma, Wash.:	
No. 1 Hard Federation, White Federation, Baart, Bluestem grading Hard White	1.38
No. 1 Soft White (exc. Rex)[2]	1.34
No. 1 Western White (exc. Rex)[2]	1.34
No. 1 Soft or Western White (inc. Rex)[3]	1.30
No. 1 Hard Winter	1.30
No. 1 Hard Winter (12% protein or over) (Plus other premiums for over 13% protein)	1.36
No. 1 White Club	1.34
No. 1 Red Winter	1.30
No. 1 Western Red	1.30
No. 1 Northern Spring	1.38
No. 1 Mixed Wheat[1]	1.28
Galveston, Houston, Tex.; New Orleans, La.:	
No. 2 Hard Winter	1.44
No. 2 Red Winter	1.44
No. 2 Mixed Wheat[1]	1.41
Cairo, Ill.:	
No. 2 Hard Winter	1.43
No. 2 Red Winter	1.43
No. 2 Mixed Wheat[1]	1.40
Evansville, Ind.; Louisville, Ky.; Cincinnati, Ohio:	
No. 2 Hard Winter	1.44
No. 2 Red Winter	1.44
No. 2 Mixed Wheat[1]	1.41
Philadelphia, Pa.; Baltimore, Md.; Norfolk, Va.:	
No. 2 Hard Winter	1.53
No. 2 Red Winter	1.53
No. 2 Soft White	1.53
No. 2 Mixed Wheat[1]	1.50
Albany, N. Y.:	
No. 2 Hard Winter	1.54
No. 2 Red Winter	1.54
No. 2 Soft White	1.54
No. 2 Mixed Wheat[1]	1.51

[1] Mixed wheat will not be eligible at the rates listed above if the mixed wheat contains 10 percent or more of a subclass other than those listed for such terminal market.

[2] Containing not more than 5% Rex by weight.

[3] Containing more than 5% Rex by weight.

All wheat eligible for loan at the foregoing loan rates must have been shipped on a domestic freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic rate on any wheat shipped at other than the domestic rate.

The foregoing schedule of loan rates applies to wheat delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets as evidenced by paid freight bills duly registered for transit privileges and other documents as required under the instructions (C. C. C. Wheat Form 1); *Provided,* In the event the amount of paid in freight is insufficient to guarantee minimum proportional rate from the terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee minimum proportional basis on the outbound movement; *Provided further,* That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form or certificate of such warehouseman containing such an undertaking, or such forms as may hereafter be approved by Commodity Credit Corporation:

FREIGHT CERTIFICATE FOR TERMINALS

The _____ represented by
(Commodity)
attached warehouse receipt No._____ was received by rail freight from _____
_____ _____ _____
(Town) (County) (State)
point of origin, as evidenced by freight bill described as follows:

Way Bill, Date_____ No. _____
Car No. _____ Init. _____
Freight Bill, Date _____ No. ___
Carrier _____ Transit Weight _____
Freight Rate In _____
Amount Collected _____
Transit balance, if any, of through freight rate to _____ of _____ cents per 100 pounds.
Number Unused Transit Stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____ _____
Date of Signature Warehouseman's Signature
_____
(Address)

Otherwise a deduction of 6 cents per bushel shall be made.

(b) *Amount of loan at country points.* (1) Except for the States and counties hereinafter set forth, Commodity Credit Corporation will determine the loan rate on wheat in storage on the farm or in country warehouses by deducting from the designated terminal market value an amount equal to 3 cents more than the all-rail interstate freight rate (in effect on May 16, 1943) from the country warehouse points, plus freight tax, or the shipping point designated by the producer, to such terminal market; except that in the appropriate counties of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin, such rates shall be computed on the basis of the average freight rate from all shipping points other than subterminal markets in each county to the appropriate terminal market.

Each approved warehouse will be advised as to the loan rate applicable to wheat stored in such warehouse. Producers may obtain from the county committee the loan rates applicable to wheat stored on each farm and in the public warehouses. Loan rates will be published

in C. C. C. Wheat Form 1, Supplement 2, for each State.

The loan rate of eligible wheat stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail may be determined by deducting from the appropriate designated terminal market loan value an amount equal to the transit balance of the through freight rate from point of origin for such wheat to such terminal market, plus freight tax on such transit balance: *Provided,* In the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing loan wheat in such position as determined by Commodity Credit Corporation. Arrangements have been made for the railroads to indicate transit balance of the through rate on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan rate as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges: *Provided,* That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts for which a legend, signed by the warehouseman, has been typewritten in the following form or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The _____ represented by
(Commodity)
attached warehouse receipt No. _____ was received by rail freight from _____
(Town)
_____ _____ point of
(County (State)
origin, as evidenced by freight bill described as follows:

Way Bill, Date _____ No. _____
Car No. _____ Init. _____
Freight Bill, Date _____ No. _____
Carrier _____ Transit Weight _____
Freight Rate In _____
Amount Collected _____
Transit balance, if any, of through freight rate to _____ of _____ cents per 100 pounds.
Number Unused Transit Stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____
Date of Signature

_____ _____
Warehouseman's Signature Address

(2) Separate schedules of loan rates will be issued for the States and counties hereinafter set forth:

Colorado: The counties of Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel.

Idaho: All counties south of Idaho County.

New Mexico: The counties of Colfax, Curry, Harding, Quay, Rio Arriba, Roosevelt, San Juan, Taos, McKinley, Mora, San Miguel, Union.

Utah: All counties.

Wyoming: The counties of Lincoln, Sublette, Sweetwater, Teton, Uinta.

All counties in the following States: Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, West Virginia.

The loan rate of eligible wheat stored in approved warehouses in the foregoing area which was shipped by rail in the movement of natural market direction, as approved by Commodity Credit Corporation, shall be determined by adding 3 cents per bushel to the county loan rate for the county from which the wheat is shipped and an amount equal to the transit value of the freight paid from point or origin to markets designated by Commodity Credit Corporation, plus freight tax on the transit value from point of origin to the warehouse, except that eligible wheat originating in Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, or West Virginia, and stored in Cairo, Illinois; Evansville, Indiana; Louisville, Kentucky; Cincinnati, Ohio; Baltimore, Maryland; or Philadelphia, Pennsylvania shall receive the loan rate shown in these instructions. Lending agencies and county committees are advised that in each instance such transit value must be verified by the regional director of the Commodity Credit Corporation serving the area. In such cases, the loan documents must be accompanied by the original paid freight bills, or certificates of the warehouseman, and other required documents, as set forth in § 240.3 above. If eligible loan wheat is stored in approved warehouses located at transit points, taking a penalty by reason of back haul, or out-of-line of natural market movement, such penalty or other costs by reason of such movement, as determined by Commodity Credit Corporation, shall be deducted from loan rates as determined above.

In such cases, the warehouse receipts in addition to the required documents as set forth in C. C. C. Wheat Form 1, § 240.10, must be accompanied by the original or duplicate original paid freight bills, or certificates of the warehouseman as to such paid freight bills as indicated above.

§ 240.4 *Protein premium.* A premium shall be added to the loan rate of the subclasses of hard red spring and hard red winter, and of the subclass hard white wheat. Mixed wheat, regardless of the classes of wheat contained in the mixture, will not be eligible for protein premium. Protein premium will be added to the loan rate of farm-stored wheat only where the producer presents a protein certificate issued by a laboratory satisfactory to Commodity Credit Corporation. If the wheat is stored in approved warehouses, the producer must present a protein certificate attached to the warehouse receipt, or present a warehouse receipt or warehouseman's supplemental certificate with protein content indicated thereon.

SCHEDULE OF PROTEIN PREMIUMS

Protein content (percent)	Premium above loan rate otherwise computed— At Los Angeles, San Francisco, Stockton and Oakland, Calif.; Minneapolis, St. Paul, and Duluth, Minn.; Superior, Wis.; Portland, Oreg.; Seattle, Vancouver, Longview, and Tacoma, Wash.; and all country points where the loan value is based on such terminal markets	Premium above loan rate otherwise computed— At Kansas City and St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa; Galveston and Houston, Tex.; New Orleans, La.; and all country points where the loan rate is based on such terminal markets
	Cents per bushel	*Cents per bushel*
12.9 or less	0	0
13.0-13.9	1	0
14.0-14.4	2	1
14.5-14.9	3	1
15.0-15.4	4	2
15.5-15.9	5	2
16.0-16.4	6	3
16.5 or over	7	3

§ 240.5 *Variation for grades.* Loan rates for eligible grades and subclasses shall be at the following schedule of premiums and discounts:

(a) Where the loan rate is based on No. 2 wheat, the loan rate on No. 1 wheat shall be 1 cent more than the loan rate on No. 2; the loan rate on No. 3 wheat shall be 2 cents less than the loan rate on No. 2; the loan rate on No. 4 wheat shall be 5 cents less than the loan rate on No. 2; and the loan rate on No. 5 wheat shall be 8 cents less than the loan rate on No. 2.

(b) Where the loan rate is based on No. 1 wheat, the loan rate on No. 2 wheat shall be 1 cent less than the loan rate on No. 1; the loan rate on No. 3 wheat shall be 3 cents less than the loan rate on No. 1; the loan rate on No. 4 wheat shall be 6 cents less than the loan rate on No. 1; and the loan rate on No. 5 wheat shall be 9 cents less than the loan rate on No. 1.

(c) The loan rate on No. 1 Heavy Dark Northern Spring shall be 1 cent more than the loan rate on No. 1 Dark Northern Spring, and the loan rate on No. 1 Heavy Northern Spring shall be 1 cent more than the loan rate on No. 1 Northern Spring, and the loan rate on No. 1 Red Spring shall be 2 cents less than the loan rate on No. 1 Northern Spring.

(d) The loan rate on Yellow Hard Winter shall be 2 cents less than the loan rate on Hard Winter.

(e) The loan rate on Hard White shall be 1 cent more than the loan rate on Soft White, except as otherwise provided in C. C. C. Wheat Form 1 or supplements thereto.

(f) The loan rate on Durum wheat shall be 7 cents less than the loan rate on Amber Durum wheat.

(g) The loan rate on mixed wheat in areas where the loan rates are determined other than on the terminal markets listed above shall be 3 cents per bushel below the loan rate established for the comparable numerical grade if it were not mixed as set forth in C. C. C. Wheat Form 1, Supplement 2, for each State.

(h) The discount for smut determined on a percentage basis shall be as follows:

	Cents per bushel
½% to 1%, inclusive	1.05
1½% to 3%, inclusive	1.35
3½% to 7%, inclusive	1.95
7½% to 15%, inclusive	2.55

The discounts for smut and garlic determined on a degree basis shall be as follows:

	Cents per bushel
Light smutty	3
Smutty	6
Light garlicky	1
Garlicky	12

A discount of only 6 cents will be made for garlicky wheat if the grade certificate (for farm-stored wheat) or the warehouse receipt or warehouseman's certificate indicates that the wheat contains not in excess of 50 green garlic bulblets, or its equivalent, in 1,000 grams of wheat.

For wheat produced in the States of Delaware, New Jersey, Pennsylvania, Maryland, North Carolina, Virginia, and West Virginia, the discount for light garlicky wheat shall be 2 cents per bushel and for garlicky wheat shall be 6 cents per bushel.

§ 240.6 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of said dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan.

In the States of California, Idaho, Oregon, Utah, and Washington, the quantity of smut shall be stated in percentage in accordance with the method set out in paragraph (a) under "Smutty wheat" in the handbook of Official Grain Standards of the United States, Revised, 1941,[1] and shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of clean wheat after deduction of other dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis in accordance with paragraph (b) under "Smutty wheat," Official Grain Standards of the United States. Where applicable, the words "Light smutty" or "Smutty" shall be added to, and made a part of, the grade designation.

The garlic condition of wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by addition of the words "Light garlicky" or the word "Garlicky," as determined under such standards. Discounts for smut and garlic are shown in § 240.5 (h).

§ 240.7 *Determination of quantity of wheat.* Loans shall be made at values expressed in cents per bushel. A bushel will be 60 pounds of clean wheat free of dockage, when determined by weight, or 1.25 cubic feet of wheat testing 60 pounds per bushel when determined by measurement. A deduction of three-quarters of a pound for each sack will be made in determining the net quantity of the collateral when stored as sacked grain. In determining the quantity of wheat in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

§ 240.8 *Maturity and interest rate.* Notes secured by wheat stored in public warehouses shall mature on demand but not later than April 30, 1944, and notes secured by wheat stored on farms shall mature on demand but not later than April 30, 1945. All loans will bear interest at the rate of 3 percent per annum.

§ 240.9 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts representing eligible wheat issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement and has been approved by the Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the Regional Director of the Commodity Credit Corporation serving the area in which the warehouse is located. A list of approved warehouses will be furnished State or county agricultural conservation committees by Regional Directors. Uniform storage and handling charges and terms of the storage agreement are outlined in the Uniform Grain Storage Agreement. Warehousemen shall not have outstanding at any time warehouse receipts in excess of the normal working or license capacity of the warehouse. All wheat pledged as security for a loan on C. C. C. Grain Form B must be stored in the same warehouse. Producers should arrange for cleaning of wheat containing in excess of 2 percent dockage in order to avoid excessive transportation, conditioning, and storage charges. Wheat containing smut or garlic should not be commingled with wheat free of smut or garlic.

§ 240.10 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer and dated on or prior to the date of the related note and properly endorsed in blank so as to vest title in the holder, and must be issued by approved warehousemen.

(a) Warehouse receipts issued for wheat delivered by wagon or truck should contain substantially the following:

(1) The warehouse receipt should set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion and windstorm, cyclone, and tornado, or in lieu of this statement it must have stamped or printed thereon the word "Insured".

(2) The warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1943, or the dates of the warehouse receipts, whichever is later.

(3) The warehouse receipt must set forth in the written or printed terms the gross weight or bushels, grade and subclass, test weight, protein content (if determined by protein analysis), degree or percentage of smut or garlic and dockage, and such other information as is required by the Uniform Warehouse Receipts Act.

(4) The warehouse receipt must show the moisture content except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. (In those areas where moisture content is required, but is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown,

[1] Not filed with the Division of the Federal Register.

Provided, The grade of wheat does not show the word "tough". In such cases, the warehouseman will be responsible to deliver wheat not grading "tough" or "sample" due to moisture content).

Any warehouse receipt which does not contain all the required information as outlined above must be accompanied by a warehouseman's supplemental certificate. Such supplemental certificate must be in duplicate, properly identified to the warehouse receipt, and must contain the information required above.

(b) Warehouse receipts properly executed and issued for wheat delivered by rail or barge must be accompanied by a warehouseman's supplemental certificate in duplicate which should contain the information required in paragraph (a) and which will be used in lieu of the following certificates:

(1) Inbound weight and inspection certificates, and protein certificates properly identified to the wheat covered thereby. In the States of California, Idaho, Nevada, Oregon, Utah, Washington, and in other areas where licensed inspectors are not available at terminal and subterminal warehouses, Commodity Credit Corporation will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors. The official inbound weight and inspection certificates must represent wheat unloaded in the warehouse issuing said receipt.

(2) The protein content, as determined by a recognized protein testing laboratory, must be shown on each supplemental certificate accompanying warehouse receipt representing wheat of the subclasses of hard red spring and hard red winter, and of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where protein content is not customarily required.

§ 240.11 *Farm storage.* Wheat stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by State committees and regional directors of the Agricultural Adjustment Agency. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the wheat collateral in approved structures. Chattel mortgages covering farm-stored wheat must be executed and filed in accordance with the applicable State law. Where the borrower is a tenant, and the wheat collateral is stored on the farm, the expiration date of the lease shall be given in section 1 (e) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1945, the borrower must secure from the owner and other interested parties, consent that the collateral may remain in the described storage structures until June 30, 1945, without any charge to the Commodity Credit Corporation other than that agreed to be paid to the borrower for storing the collateral. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the wheat as determined by the county committee. A separate note and chattel mortgage must be submitted for wheat stored on each quarter section of land.

The Commodity Credit Corporation will accept delivery of all the producer's wheat in the bin or bins in which all or a portion of the grain therein is under loan. Such delivery will be limited to the number of bushels that was in the bin at the time the loan was made, less any amount which has been previously removed. The producer will be given credit for the number of bushels so delivered at the loan rate applicable to the grade and class of wheat delivered. If no loan rate has been established for the grade of wheat delivered, the actual delivery value will be furnished by the Regional Director of Commodity Credit Corporation serving the area.

A storage allowance of 7 cents per bushel shall be advanced at the time the loan is made only on the number of bushels placed under loan. A storage payment of 7 cents per bushel shall be earned by the producer (1) if the wheat is delivered to the Commodity Credit Corporation on or after April 30, 1944, or (2) if, pursuant to demand by the Corporation for the repayment of the loan, the wheat is delivered to the Commodity Credit Corporation prior to April 30, 1944: *Provided,* Such demand for repayment was not due to any fraudulent representation on the part of the producer or the wheat was damaged, threatened with damage, abandoned, or otherwise impaired. If delivery is made prior to April 30, 1944, with the consent or approval of the Commodity Credit Corporation, a storage payment will be earned in accordance with the terms of the mortgage supplement. Earned storage shall be computed after delivery has been completed and any storage advance not earned shall be repaid to the Corporation. A storage payment cannot be earned on a greater number of bushels than is specified in the chattel mortgage. Any deficiencies due the Corporation will be deducted from any credits which may be due the producer from the Corporation.

In the event the producer's loan is not previously called and the producer has not elected to deliver his wheat in satisfaction of his loan between April 30, 1944, and June 30, 1944, a storage payment of ½ cent per bushel per month for each complete month after June 30, 1944, will be earned, not to exceed 5 cents per bushel through June 30, 1945. The full payment of 5 cents per bushel shall be earned by the producer (1) if the wheat is delivered to Commodity Credit Corporation on or after April 30, 1945, or (2) if, pursuant to demand by the Commodity Credit Corporation, between July 1, 1944, and April 30, 1945, for the repayment of the loan, the wheat is delivered to the Commodity Credit Corporation prior to April 30, 1945, *Provided,* Such demand for payment was not due to any fraudulent representation on the part of the producer, or because the wheat was damaged, threatened with damage, abandoned, or otherwise impaired.

§ 240.12 *Liens.* The wheat collateral must be free and clear of all liens, or if liens exist on the collateral, proper waivers must be secured from each lienholder. The names of the holders of all existing liens on the pledged or mortgaged wheat, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided in the chattel mortgage or note and loan agreement. The waiver and consent to pledge or mortgage the wheat and the payment of the proceeds of the loan and the proceeds of the sale of the wheat solely to the producer, as contained in the mortgage or note and loan agreement, must be signed personally by all lienholders listed or by their duly authorized agents; or, if a corporation, by an officer authorized to execute such instruments. Lienholders may sign C. C. C. Form AB, completely identifying the related note, in lieu of signing the appropriate section of the chattel mortgage, or note and loan agreement. The proceeds of the loan may be made payable to the producer and/or such other person or concern as the producer may direct in the space provided on the note. Producers should be sure that wheat offered as collateral for a loan is not covered by previous real estate or other mortgages. The producer shall be held personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code for any fraudulent representation of fact made in the execution of the note and mortgage or loan agreement.

§ 240.13 *Insurance*—(a) *Wheat stored on farms.* Commodity Credit Corporation will not require producers to insure their 1943 farm-stored wheat placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of a partial loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value, plus interest for the number of bushels on which the loss occurred. Where either total or partial loss occurs and such loss is assumed by Commodity Credit Corporation, no repayment of any storage advance will be required of the borrower even though the loss took place prior to April 30, 1944. No loss will be assumed if it is determined that there is fraudulent representation on the part of the borrower in connection with the loan.

(b) *Wheat stored in approved warehouses.* The warehouseman shall provide insurance against the perils of fire, lightning, inherent explosion, and windstorm, cyclone, and tornado, for the full market value of wheat stored in their warehouses as long as receipts are outstanding.

§ 240.14 *County agricultural conservation committee.* Forms will be furnished county agricultural conservation committees in the areas designated in § 240.2, and copies for the purposes of information may be obtained from such committees or from the office of the regional director serving the area listed in § 240.17. The producers' notes contain approvals which should not bear a date prior to the date of the note or loan agreement and which must be signed in each instance by a member of the county agricultural conservation committee of the county in which the wheat was produced, for warehoused wheat, and the county in which the agricultural conservation program records are kept for the farm on which the wheat is stored, for farm-stored wheat. Pursuant to regulations issued by the Secretary of Agriculture, the State and county committees will determine, or cause to be determined, the quantity and grade of the wheat collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, who will retain copies of all documents: *Provided, however,* That the county committee may formally designate certain employees of the county association to execute such forms on behalf of the committee. In order to meet the cost of the local expenses, county agricultural conservation associations will collect a service fee for all loans.

§ 240.15 *Source of loans.* Loans may be obtained from Commodity Credit Corporation or any approved lending agency. Notes representing loans made direct with Commodity Credit Corporation would indicate Commodity Credit Corporation as payee and should be mailed to the regional director serving the area. Notes representing loans made with other agencies should bear the name and address of the lending agency as payee.

§ 240.16 *Purchase of loan.* Commodity Credit Corporation will purchase, without recourse, eligible paper only from approved lending agencies, in accordance with the terms of the Contract to Purchase (1940 C. C. C. Form E). Paper held by lending agencies must be submitted to the regional director serving the area in which the wheat is stored. Lending agencies should report weekly on 1940 C. C. C. Form F all payments or collections on producers' notes. An amount equivalent to 1½ percent interest per annum on the principal amount collected must be submitted with such weekly reports.

§ 240.17 *Offices of the regional directors of Commodity Credit Corporation.* The offices of the regional directors previously referred to herein and the areas served by them under these instructions are shown below:

Address of Regional Director and Area

208 South LaSalle Street, Chicago 4, Ill.—Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennesseee, Vermont, Virginia, West Virginia.

Dwight Building, 1004 Baltimore Avenue, Kansas City, Mo.—Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

McKnight Building, Minneapolis 1, Minn.—Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

304 Artisans Building, Portland 5, Oreg.—Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 240.18 *Release of collateral held by Commodity Credit Corporation.* A producer may obtain release of the collateral by paying to the lending agency or the Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency or the Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, the local bank should be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage wheat loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release, or by a margin release on the county records.

§ 240.19 *Partial releases of collateral.* Partial releases of collateral will be made as follows:

(a) In the case of farm-stored wheat, producers may obtain release of all or part of the collateral in a bin by paying to the holder of the note the loan value, plus storage advances and accrued interest, for the wheat released. Form Commodity Loan 29 must be executed in accordance with instructions issued by the Agricultural Adjustment Agency for each partial redemption, and one copy must be submitted to the office of the regional director serving the area.

(b) In the case of warehouse-stored wheat, each partial release must cover all the wheat under one warehouse receipt number. Producers may obtain release of one or more warehouse receipts by paying to the holder of the note the amount of the loan, plus interest, for the wheat represented by the warehouse receipt. If the notes are held by an out-of-town lending agency or Commodity Credit Corporation, or if the wheat is stored in a terminal warehouse, the warehouse receipt(s) may be forwarded to an approved lending agency, as directed by the producer, for collection.

(c) Commodity Credit Corporation will purchase notes on which partial releases have been made by lending agencies: *Provided,* Each note is credited by the lending agencies for the full amount of the loan on the wheat released, plus interest at the rate of 3 percent per annum, and 1½ percent interest per annum on such principal amount collected has been submitted to the Regional Director serving the area.

Dated: June 30, 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43-15958; Filed, September 30, 1943; 4:25 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-14]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE AKRON, OHIO, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.49 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Akron, Ohio, sales area, and is referred to hereinafter as the "sales area". The cities of Akron, Barberton, and Cuyahoga Falls, the townships of Copley, Coventry, Springfield, Norton, and Stow, and the Villages of Lakemore, Mogadore, Munroe Falls, Silver Lake, and Tallmadge in Summit County; the townships of Ravenna and Franklin, and that part of Suffield township comprising the part of the village of Mogadore which is in Portage County; and Wadsworth township in Medina County, all in the State of Ohio.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping and reporting re-

quirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16031; Filed, October 1, 1943; 12:30 p. m.]

[FDO 79-15]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE GREATER KANSAS CITY SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.57 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Greater Kansas City sales area, and is referred to hereinafter as the "sales area"; all the territory within Jackson County, Missouri, that part of Clay County, Missouri, south of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County line; Lee, Waldron, May, and Pettis Townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee, Mission, Monticello and Lexington Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentages: (i) Milk: 100 percent of pounds of milk and 100 percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 350 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16032; Filed, October 1, 1943; 12:30 p. m.]

[FDO 79-16]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE YOUNGSTOWN, OHIO, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.55 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Youngstown, Ohio sales area, and is referred to hereinafter as the "sales area": The city of Youngstown and the townships of Austintown, Boardman, Canfield, Coitsville, and Poland in Mahoning County, Ohio; the townships of Brookfield, Howland, Hubbard, Liberty, Vienna, Warren, and Weathersfield in Trumbull County, Ohio; the cities of Farrell and Sharon, the township of Hickory, and the boroughs of Sharpsville and Wheatland in Mercer County, Pa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) and adjusting such deliveries for the transfers set out in (i) hereof by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take affect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16033; Filed, October 1, 1943; 12:30 p. m.]

[FDO 79-17]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE COLUMBUS, OHIO, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.54 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Columbus, Ohio sales area, and is referred to hereinafter as the "sales area": The city of Columbus (Montgomery Township) and the townships of Bexley, Blendon, Clinton, Franklin, Marion, Mifflin, Perry, Sharon, and Truro, all in Franklin County, Ohio.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. (The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the

request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of aproval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16034; Filed, October 1, 1943; 12:31 p. m.]

[FDO 79-18]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE FT. WAYNE, IND., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.53 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Ft. Wayne, Ind. sales area, and is referred to hereinafter as the "sales area": The city of Ft. Wayne, Ind., and the townships of Adams, St. Joseph, Washington and Wayne in Allen County, Indiana.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition, addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the re-

quest of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16035; Filed, October 1, 1943; 12:30 p. m.]

[FDO 79-19]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE HUNTINGTON-ASHLAND METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.50 *Quota restrictions* — (a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Huntington-Ashland Metropolitan sales area, and is referred to hereinafter as the "sales area": The cities of Huntington, W. Va., and Ashland, Ky.; the city of Ironton and the townships of Union, Fayette, Perry, and Upper in Lawrence County, Ohio; the magisterial district of Russell in Greenup County, and the districts of Catlettsburg, Lower Ashland, and Upper Ashland in Boyd County, Ky.; and the magisterial districts of Ceredo and Westmoreland in Wayne County, W. Va.; and the districts of Gideon, Guyandot, and Kyle in Cabell County, W. Va.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16036; Filed, October 1, 1943; 12:29 p. m.]

[FDO 79-20]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE DAVENPORT-ROCK ISLAND-MOLINE SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.52 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Davenport-Rock Island-Moline sales area, and is referred to hereinafter as the "sales area"; the territory lying within the corporate limits of the cities of Davenport and Bettendorf, both in Iowa; and Rock Island, Moline, East Moline, and Silvis, all in Illinois; together with the territory within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa, and South Moline, Moline, Blackhawk, Coal Valley, Hampton, Port Byron, and South Rock Island in Rock Island County, Illinois.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16037; Filed, October 1, 1943; 12:29 p. m.]

[FDO 79-21]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE ST. JOSEPH COUNTY, IND., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.48 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof.

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the St. Joseph County, Ind., sales area, and is referred to hereinafter as the "sales area": All municipal corporations and unincorporated territory within the geographical limits of St. Joseph County, Ind., excepting the townships of Olive, Liberty, and Lincoln.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant

temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16038; Filed, October 1, 1943; 12:29 p. m.]

[FDO 79-22]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE DULUTH-SUPERIOR SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.58 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Duluth-Superior sales area, and is referred to hereinafter as the "sales area"; the territory within the corporate limits of the cities of Duluth and Cloquet, both in the State of Minnesota, and the city of Superior, Wisconsin; the territory within Thompson Township in Carlton County, Minnesota; the territory within Midway, Herman, Canosia, Rice Lake, Lakewood, and Duluth Townships in St. Louis County, Minnesota; and the territory within Superior Township in Douglas County, Wisconsin.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the competition of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a

petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16039; Filed, October 1, 1943; 12:29 p. m.]

[FDO 18-3, Amdt. 3]

PART 1415—IMPORTED FOODS

TEA QUOTAS, PACKAGING RESTRICTIONS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

Director Food Distribution Order No. 18-3, § 1415.6, issued by the Acting Director of Food Distribution, War Food Administration, on June 17, 1943, as amended (8 F.R. 8389, 12122), is further amended as follows:

1. By deleting the provisions of paragraph (b) (1) and inserting in lieu thereof the following:

(1) During the quota period commencing October 1, 1943, and each subsequent quota period, no packer shall deliver a total quantity of tea which is in excess of 75 percent of his net deliveries of tea during the corresponding quarterly period of the calendar year 1941.

2. By deleting the provisions of paragraph (b) (2) and inserting in lieu thereof the following:

(2) During the quota period commencing October 1, 1943, and each subsequent quota period, no wholesale receiver shall accept delivery of a total quantity of tea which is in excess of 75 percent of his net deliveries of tea during the corresponding quarterly period of the calendar year 1941.

3. By deleting the provisions of paragraph (e) (1) and inserting in lieu thereof the following:

(1) No packer shall pack tea intended for sale at retail in packages of more than 3 sizes and such sizes shall contain either 8 ounces, 4 ounces, or 1⅜ ounces net weight.

The provisions hereof shall become effective at 12:01 a. m., e. w. t., October 1, 1943. With respect to violations of said Director Food Distribution Order No. 18-3, as heretofore amended, the rights accrued or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 18-3, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 18, 8 F.R. 1778, 8388)

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16044; Filed, October 1, 1943; 8:37 p. m.]

[FDO 32, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTION ON THE USE AND DISTRIBUTION OF CASTOR OIL

Food Distribution Order No. 32 (8 F.R. 3473), § 1460.4, issued by the Acting Secretary of Agriculture on March 19, 1943, is amended as follows:

By inserting after the end of paragraph (q) thereof the following:

(r) *Temporary suspension of paragraphs (b), (c), and (d).* The restrictions and provisions of paragraphs (b), (c), and (d) of this order shall not apply to the delivery, acceptance of delivery, use, processing, or blending of castor oil by any person when such delivery, acceptance of delivery, use, processing, or blending occurs in the period beginning on the effective date of this amendment, and ending on December 31, 1943.

(s) *Additional reporting requirements.* (1) Every person who accepts delivery of, uses, processes, or blends 1,000 pounds or more of castor oil in any month hereafter, including October 1943, shall, on or before the 15th day of the month succeeding the month in which such acceptance of delivery, use, processing, or blending occurs, properly fill out and file Form BM 1, as prescribed by the Bureau of the Census, with the Bureau of Census, Washington 25, D. C. Such forms shall be obtained from the Bureau of Census.

(2) Every person who accepts delivery of, uses, processes, or blends 3,000 pounds or more of castor oil in any calendar quarter hereafter, beginning with the calendar quarter which commences on October 1, 1943, shall, on or before the 15th day of the second month succeeding the end of the calendar quarter in which such acceptance of delivery, use, processing, or blending occurs, properly fill out and file Form BM 2, as prescribed by the Bureau of the Census, with the Bureau of Census, Washington 25, D. C. Such forms shall be obtained from the Bureau of the Census.

(3) The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(t) *Further restrictions on delivery and acceptance of delivery.* After the time for filing any report required by paragraph (s) hereof has expired, no person who is required by the provisions of said paragraph (s) to file such a report or reports shall accept delivery of castor oil unless he has properly filed the required report or reports and, in connection with each acceptance of delivery of castor oil by him, has properly filled out and delivered to the person making delivery of the castor oil, within 30 days prior to the date of delivery, a certificate in the following form:

The undersigned hereby certifies to the Food Distribution Administration, War Food Administration, and _____
(supplier)
that this certificate is given in connection with the acceptance of delivery by the undersigned of _____ pounds of castor oil to be delivered by said supplier to the undersigned in _____ 194__, and that, on
(month)

the date hereof, the undersigned has complied with the reporting provisions of paragraph (s) of Food Distribution Order No. 32, as amended.

(Deliveree)

By: ---
(Authorized Official)

(Date)

No person shall deliver castor oil to any other person without receiving the certificate provided for in this paragraph when he knows or has reason to believe that the person accepting delivery of the castor oil involved is required by the terms hereof to give such a certificate, and no person shall deliver castor oil pursuant to a certificate given hereunder when he knows, or has reason to believe, that such certificate is false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate. All certificates given hereunder shall be retained by the persons receiving them for, at least, two years or for such other periods of time as the Director may hereafter specify.

(u) *Effective date.* This amendment shall become effective on the 1st day of October 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 32, rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 32 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 1st day of October 1943.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 43-16045; Filed, October 1, 1943; 3:37 p. m.]

[FDO 79-23]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE HAMILTON-MIDDLETOWN, OHIO, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.51 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Hamilton-Middletown, Ohio, sales area, and is referred to hereinafter as the "sales area". The cities of Hamilton and Middletown and the townships of Fairfield, Hanover, Lemon, Madison, St. Clair, that part of Ross township comprising part of Millville village, and that part of Wayne township comprising part of Seven Mile village, in Butler County; and the township of Franklin in Warren County, all in the State of Ohio.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ------ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining in-

formation which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16069; Filed, October 2, 1943; 11:14 a. m.]

[FDO 79-24]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN THE WICHITA, KANSAS, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.56 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Wichita, Kansas, sales area, and is referred to hereinafter as the "sales area": All the territory within the corporate limits of the city of Wichita, Kansas, and the territory within Delano, Kechi, Riverside, Wichita, and Minneha Townships and the city of Eastborough, all in Sedgwick County, Kansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and 100 percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 350 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following:

(1) Milk, one quart of milk;

(2) Cream, one-half pint of cream; and

(3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may re-

quire for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 5, 1943.

Issued this 1st day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16070; Filed, October 2, 1943; 11:14 a. m.]

[FDO 79-25]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN HARRISBURG, PA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.66 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Harrisburg, Pennsylvania, sales area, and is referred to hereinafter as the "sales area": The city of Harrisburg, the townships of Derry, Lower Swatara, Susquehanna, and Swatara, the boroughs of Highspire, Hummelstown, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in Dauphin County, Pennsylvania; and

The townships of East Pennsboro, Hampden, and Lower Allen, the boroughs of Camp Hill, Lemoyne, Mechanicsburg, New Cumberland, Shiremanstown, West Fairview, and Wormleysburg, in Cumberland County, Pennsylvania.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or bakers' cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent

such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16107; Filed, October 2, 1943; 4:36 p. m.]

[FDO 79-26]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN SCRANTON-WILKES-BARRE, PA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.64 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Scranton-Wilkes-Barre, Pa., sales area, and is referred to hereinafter as the "sales area": The cities of Scranton in Lackawanna County and Wilkes-Barre in Luzerne County and the entire area included in:

The city of Carbondale, the townships of Abington, Carbondale, Fell, Glenburn, Lackawanna, La Plume, Ransom, Roaring Brook, and South Abington, the boroughs of Archbald, Blakely, Clarks Green, Clarks Summit, Dalton, Dickson City, Dunmore, Elmhurst, Jermyn, Mayfield, Moosic, Moscow, Old Forge, Olyphant, Taylor, Throop, Vandling, and Winton in Lackawanna County, Pa.;

The cities of Nanticoke and Pittston, the townships of Conyngham, Hanover, Jenkins, Kingston, Newport, Pittston, Plains, Plymouth, and Wilkes-Barre, the boroughs of Ashley, Avoca, Courtdale, Dupont, Duryea, Edwardsville, Exeter, Forty Fort, Hughestown, Kingston, Laflin, Larksville, Laurel Run, Luzerne, Nuangola, Plymouth, Pringle, Shickshinny, Sugar Notch, Swoyerville, Warrior Run, West Pittston, West Wyoming, Wyoming, and Yatesville in Luzerne County, Pa.;

The borough of Forest City in Susquehanna County, Pa.; and

The borough of Factoryville in Wyoming County, Pa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the

Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16108; Filed, October 2, 1943; 4:36 p. m.]

[FDO 79-27]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN ALLENTOWN-BETHLEHEM-EASTON, PA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.61 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof.

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Allentown-Bethlehem-Easton, Pa., sales area, and is referred to hereinafter as the "sales area": The cities of Allentown and Bethlehem in Lehigh County, Pennsyvania, and the city of Easton and part of Bethlehem in Northampton County, Pennsylvania, and the entire area included in:

The borough of Riegelsville in Bucks County, Pennsylvania; The townships of Hanover, Lower Macungie, North Whitehall, Salisbury, South Whitehall, Upper Saucon, Washington, and Whitehall, the boroughs of Alburtis, Catasauqua, Coopersburg, Coplay, Emmaus, Fountain Hill, Macungie, Slatington, in Lehigh County, Pennsylvania;

The townships of Bethlehem, Forks, Hanover, Lower Nazareth, Lower Saucon, Palmer, Upper Nazareth, Williams, the boroughs of Freemansburg, Glendon, Hellertown, Nazareth, Northampton, North Catasauqua, Stockertown, Tatamy, Walnutport, West Easton, and Wilson in Northampton County, Pennsylvania; and

The townships of Lopatcong and Pohatcong, the town of Phillipsburg, and the borough of Alpha in Warren County, New Jersey.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and _____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half point of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or

the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16109; Filed, October 2, 1943; 4:36 p. m.]

[FDO 79-28]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN LANCASTER, PA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.60 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed for milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Lancaster, Pennsylvania, sales area, and is referred to hereinafter as the "sales area": The city of Lancaster, the townships of East Hempfield, East Lampeter, Ephrata, Lancaster, Manheim, Manor, Upper Leacock, Warwick, West Earl, West Hempfield, and West Lampeter, the boroughs of Akron, Columbia, Ephrata, Lititz, Millersville, Mountville, and Washington, all in Lancaster County, Pa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by

the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16110; Filed, October 2, 1943; 4:36 p. m.]

[FDO 79-29]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN READING, PA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.59 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Reading, Pennsylvania, sales area, and is referred to hereinafter as the "sales area": The city of Reading, the townships of Bern, Cumru, Exeter, Muhlenburg, Lower Alsace, Maidencreed, Ontelaunee, South Heidelberg, and Spring, the boroughs of Birdsboro, Kenhorst, Laureldale, Mohnton, Mount Penn, St. Lawrence, Skillington, Sinking Spring, Temple, Wernersville, West Lawn, West Leesport, West Reading, Wyomissing, and Wyomissing Hills, all in Berks County, Pa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or bakers' cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or bakers' cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period

deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him; may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16111; Filed, October 2, 1943; 4:37 p. m.]

[FDO 79-30]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN WILMINGTON, DEL., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.65 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Wilmington, Delaware sales area, and is referred to hereinafter as the "sales area": The city of Wilmington, the representative districts 1 to 10, inclusive, and that part of district 11 comprising part of the town of Newark, in New Castle, Delaware; the townships of Lower Penns Neck and Upper Penns Neck and the borough of Penns Grove in Salem County, New Jersey; and the township of New Garden and the borough of Avondale in Chester County, Pa., and the township of Bethel in Delaware County, Pa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or bakers' cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other

person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16112; Filed October 2, 1943; 4:37 p. m.]

[FDO 79-31]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN TRENTON, N. J., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.63 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Trenton, N. J., sales area, and is referred to hereinafter as the "sales area": The city of Trenton, the townships of Ewing, Hamilton, Lawrence, and Princeton, and the borough of Princeton in Mercer County, N. J.; the township of Bordentown, the city of Bordentown, and the borough of Fieldboro in Burlington County, N. J.; the townships of Falls and Lower Makefield, the boroughs of Morrisville, Tullytown, and Yardley in Bucks County, Pa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing

more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16113; Filed, October 2, 1943; 4:37 p. m.]

[FDO 79-32]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN ATLANTIC CITY, N. J., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.62 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Atlantic City, New Jersey, sales area, and is referred to hereinafter as the "sales area": The city of Atlantic City, the cities of Absecon, Brigantine, Linwood, Margate, Northfield, Pleasantville, Somers Point, and Ventnor City, and the borough of Longport in Atlantic County, New Jersey; the city of Ocean City in Cape May County, New Jersey.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim

milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling of processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record-keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16114; Filed, October 2, 1943; 4:37 p. m.]

[FDO 79-33]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN PHILADELPHIA, PA., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.67 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "order" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Philadelphia, Pennsylvania, metropolitan sales area, and is referred to hereinafter as the "sales area": The city of Philadelphia, coincident with Philadelphia County, Pennsylvania;

The townships of Bensalem, Bristol, Lower Southampton, Middletown, Upper Southampton, and Warminster, and the boroughs of Bristol, Hulmeville, Ivyland, Langhorne, Langhorne Manor, and South Langhorne in Bucks County, Pennsylvania;

The townships of East Pikeland, Easttown, Schuylkill, Tredyffrin, and Willistown, and the boroughs of Malvern, Phoenixville, and Spring City in Chester County, Pennsylvania;

The city of Chester, the townships of Aston, Chester, Darby, Edgemont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newton, Radnor, Ridley, Springfield, Thornbury, Tinicum, Upper Chichester, Upper Darby, and Upper Providence, the boroughs of Aldan, Clifton Heights, Collingdale, Colwyn, Darby, East Lansdowne, Eddystone, Folcroft, Glenolden, Lansdowne, Marcus Hook, Media, Millbourne, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore, Trainer, Up-

land, and Yeadon in Delaware County, Pennsylvania; The townships of Abington, Cheltenham, East Norriton, Hatfield, Horsham, Lower Gwynedd, Lower Merion, Lower Moreland, Lower Providence, Montgomery, Perkiomen, Plymouth, Springfield, Upper Dublin, Upper Gwynedd, Upper Merion, Upper Moreland, Upper Providence, West Norriton, Whitemarsh, and Whitpain, and the boroughs of Ambler, Bridgeport, Bryn Athyn, Collegeville, Conshohocken, Hatboro, Hatfield, Jenkintown, Lansdale, Narbeth, Norristown, North Wales, Rockledge, Royersford, Schwenksville, Trappe, and West Conshohocken in Montgomery County, Pennsylvania;

The cities of Beverly and Burlington, the townships of Burlington, Chester, Cinnaminson, Delanco, Delran, Edgewater Park, Florence, Morrestown, and Riverside, the boroughs of Palmyra and Riverton in Burlington County, New Jersey;

The cities of Camden and Gloucester, the townships of Berlin, Delaware, Gloucester, Haddon, Pennsauken, and Voorhees, the boroughs of Audubon, Barrington, Bellmawr, Berlin, Brooklawn, Clementon, Collingswood, Gibbsboro, Haddonfield, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Lindenwold, Magnolia, Merchantville, Mount Ephraim, Oaklyn, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, Tavistock, and Wood-Lynne in Camden County, New Jersey;

The city of Woodbury, the townships of Deptford, East Greenwich, Greenwich, Mantua, Washington, and West Deptford, the boroughs of Clayton, Glassboro, National Park, Paulsboro, Pittman, Wenonah, Westville, and Woodbury Heights, in Gloucester County, New Jersey.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be determined as follows:

(1) Divide the total deliveries of each of milk, milk byproducts, and cream (and of butterfat in milk or in cream where percentages of pounds of butterfat are specified in (e) (3) (i) or (e) (3) (ii) hereof) made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (h) hereof and adjusting such deliveries for the transfers set out in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent of pounds of milk and ____ percent of pounds of butterfat; (ii) Cream: 75 percent of pounds of cream and 75 percent of pounds of butterfat; and (iii) Milk byproducts: 75 percent of pounds of milk byproducts other than cottage, pot, or baker's cheese and of the pounds of skim milk equivalent of cottage, pot, or baker's cheese. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 per cent of the total production of such handlers in the base period.

(g) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(i) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(j) *Petition for relief from hardships.* (1) Any person affected by the order or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition; or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (f) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of the order.

(m) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(n) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of $0.005 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(p) *Bureau of the Budget approval.* The record keeping 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 record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) This order shall take effect at 12:01 a. m., e. w. t., October 10, 1943.

Issued this 2d day of October 1943.

ROY F. HENDRIKSON,
Director of Food Distribution.

[F. R. Doc. 43-16115; Filed, October 2, 1943; 4:38 p. m.]

[FDO 53, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF ANIMAL OIL, NEAT'S-FOOT OIL, AND RED OIL

Food Distribution Order No. 53 (8 F.R. 7003), § 1460.15, issued by the Acting War Food Administrator on May 25, 1943, is amended as follows:

1. By deleting the provisions of paragraph (c) thereof and inserting, in lieu thereof, the following:

(c) *Exceptions.* (1) Notwithstanding the provisions of paragraph (b) (1) of this order, specific authorization of the Director shall not be required with respect to the delivery to any one person during any one calendar month, and acceptance of delivery, use, processing, or blending by any one person in any one calendar month of 450 pounds, or less, of neat's-foot oil and 450 pounds, or less, of red oil.

(2) Every person accepting delivery of neat's-foot oil or red oil for the purpose of manufacturing any other product, without regard to whether such oil is incorporated in such product; or for the purpose of resale; pursuant to the provisions of paragraph (c) (1) hereof, shall fill out and file with his supplier a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, and to _____ (supplier) _____ that the delivery of _____ pounds of _____ oil to him by said supplier, in connection with which this certificate is furnished, in _____ (month) 194__, will not, together with all other fats and oils delivered or to be delivered to him in such month, exceed the amount which he is entitled to accept delivery of under paragraph (c) (1) of Food Distribution Order 53, as amended.

_____
(Deliveree)

By _____
(Authorized official)

_____
Date

Such certificate shall be signed by an authorized official of the deliveree. The receipt of such certificate shall not authorize the delivery of neat's-foot or red oil by a person who knows or has reason to believe the same to be false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate. The person making delivery shall retain such certificate as a part of his records for at least two years or for such other periods of time as the Director may specify.

2. By inserting after the end of paragraph (s) thereof the following:

(t) *Temporary suspension of* (b) *with respect to animal oil.* The provisions and restrictions of paragraphs (b) (1) and (2) hereof, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of animal oil by any person, when such delivery, acceptance of delivery, use, processing, or blending occurs during the period beginning on the effective date of this amendment, and ending on January 31, 1944.

(u) *Inventory limitations.* (1) No person, other than a producer or distributor, shall, after the effective date of this amendment, accept delivery of any animal oil which will cause his inventory of animal oil to exceed a quantity equal to 60,000 pounds, or the aggregate amount of animal oil used, processed, or blended, by him during any two consecutive calendar months in the period beginning on January 1, 1943, and ending on June 30, 1943, whichever is greater. In computing the aggregate amount of animal oil used, processed, or blended by any person in any two consecutive calendar months in the period beginning on January 1, 1943, and ending on June 30, 1943, the same oil shall not be counted more than once.

(2) No distributor shall accept delivery of any animal oil, after the effective date of this amendment, which will cause his inventory of animal oil to exceed a quantity equal to ⅓ of the amount of animal oil which he accepted delivery of during the period beginning on January 1, 1943, and ending on June 30, 1943.

(3) Notwithstanding the provisions of paragraphs (u) (1) and (2) hereof, any person restricted by the provisions of said paragraph (u) (1), or any distributor, may accept delivery of a quantity of animal oil equal to his maximum unit, if, at the time of such acceptance of delivery, his inventory does not exceed 50% of the quantity he is permitted to have in his inventory under the applicable provisions of paragraphs (u) (1) and (2) hereof.

(4) For the purposes of paragraphs (u) (1), (2), and (3) hereof, the term "inventory" means the quantity of animal oil owned by a person and which is on his premises, in storage facilities used by him, or in transit to him.

(5) For the purposes of paragraph (u) (3) hereof, the term "maximum unit" means, with respect to any person, the largest, single, segregate, commercial quantity of animal oil which such person accepted delivery of during the period beginning on January 1, 1943 and ending on June 30, 1943. For example, such a unit might be one, but not more than one, of the following: a tank car, or fraction thereof; a tank truck, or fraction thereof; a carload, or fraction thereof, of packaged oil; or a truckload, or fraction thereof, of packaged oil.

This amendment shall become effective on October 1, 1943, as of 12:01 a. m. e. w. t. However, with respect to violations of said Food Distribution Order No. 53, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 53 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 2d day of October 1943.

MARVIN JONES,
War Food Administrator.

[F.R. Doc. 43-16187; Filed, October 4, 1943; 11:25 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-1, 17th Supp.]

PART 110—PRIMARY INSPECTION AND DETENTION

DISCONTINUANCE OF WESTBY, MONTANA, AS A PORT OF ENTRY FOR ALIENS

SEPTEMBER 29, 1943.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); and § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735), the designation of Westby, Montana, as a port of entry for aliens is hereby canceled, effective at the close of business on September 30, 1943.

Section 110.1 (First Supp. G.O. No. C-38, of September 4, 1943, 8 F.R. 12505) is amended by deleting Westby, Montana, from the list of ports of entry for aliens in District No. 10.

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-16339; Filed, October 2, 1943; 2:07 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration (Packers and Stockyards)

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

JIM HOOVER SALES PAVILION, STERLING, COLO.

It has been ascertained that the Hoover Sales Pavilion, Sterling, Colorado, posted on July 31, 1937, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by L. C. (Jim) Hoover and Lillie C. Hoover, partners doing business as Jim Hoover Sales Pavilion, and that the name of the yard is now the Jim Hoover Sales Pavilion. Therefore, notice of such facts is given to its owners and to the public, and the name of the stockyard changed to Jim Hoover Sales Pavilion on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940 ed. 181 et seq; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this first day of October 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-16363; Filed, October 2, 1943; 11:14 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 287]

DEVIATIONS FROM THE LEFT-HAND CIRCLE RULE AT AN AIRPORT OR LANDING AREA

REVOCATION OF REGULATIONS

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

Effective September 28, 1943, Regulations Serial Nos. 260, 277, and 281, relating to deviations from the left-hand circle rule, adopted by the Civil Aeronautics Board on February 17, June 14, and August 2, 1943, respectively, are hereby revoked.

NOTE: Deviations from the left-hand circle rule formerly authorized by the revoked regulations have been authorized by the Administrator in accordance with Amendment No. 60-3 of the Civil Air Regulations, adopted August 18, 1943.

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

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-16065; Filed, October 2, 1943; 10:19 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 29]

PART 600—CIVIL AIRWAY DESIGNATIONS

REDESIGNATION OF GREEN CIVIL AIRWAY NO. 5

SEPTEMBER 1, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding in § 600.10004 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.)* after the words: "Fort Worth, Tex., radio range station;" the following: "the intersection of the center lines of the on course signals of the northeast leg of the Fort Worth, Tex., radio range and the southwest leg of the Texarkana, Ark., radio range."

This amendment shall become effective 0001 e. w. t., September 15, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-16138; Filed, October 4, 1943; 10:23 a. m.]

[Amdt. 31]

PART 600—CIVIL AIRWAY DESIGNATIONS

REDESIGNATION OF GREEN AIRWAY NO. 2 AND RED AIRWAY NO. 5

SEPTEMBER 9, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in § 600.10001 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.) the words: Detroit Mich. (Wayne County Airport), radio range, and substituting in lieu thereof the words: Romulus, Mich., radio range.

2. By striking in § 600.10211 Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.) the words: Detroit, Mich. (Wayne County Airport), and substituting in lieu thereof the words: Romulus, Mich.

This amendment shall become effective 0001 e. w. t., August 31, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-16139; Filed, October 4, 1943; 10:23 a. m.]

[Amdt. 32]

PART 600—REDESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF AMBER CIVIL AIRWAY NO. 7; RED CIVIL AIRWAYS NOS. 11, 18

SEPTEMBER 11, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in § 600.10106 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)* the following portion of the caption: "Key West, Fla.," and substituting in lieu thereof the following: "Miami, Fla.," and deleting the following: "From the Key West, Fla., radio range station, via the intersection of the center lines of the on course signals of the east leg of the Key West, Fla., radio range and the southwest leg of the Miami, Fla., radio range; Miami, Fla., radio range station; the intersection of the center lines of the on course signals of the north leg of the Miami, Fla., radio range;" and substituting in lieu thereof the following: "From the Miami, Fla., radio range station; via the intersection of the center lines of the on course signals of the north leg of the Miami, Fla., radio range;"

2. By deleting in § 600.10210 *Red civil airway No. 11 (Tulsa, Okla., to St. Louis, Mo.)* the following: "and the Spring Bluff, Mo., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Spring Bluff, Mo., radio range and the south leg of the St. Louis, Mo., radio range;" and inserting in lieu thereof the following: "and the Vichy, Mo., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Vichy, Mo., radio range and the west leg of the St. Louis, Mo., radio range;"

3. By deleting in § 600.10217 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* the following: "Elkins, W. Va., radio marker station;" and inserting in lieu thereof the following: "Elkins, W. Va., radio range station;"

This amendment will become effective 0001 e. w. t., September 15, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-16140; Filed, October 4, 1943; 10:23 a. m.]

[Amdt. 43]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

PORT ERIE AIRPORT

AUGUST 31, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and section 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City and Name of Airport

Erie, Pa., Port Erie Airport.

This amendment shall become effective 0001 e. w. t., September 15, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-16141; Filed, October 4, 1943; 10:23 a. m.]

[Amdt. 45]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

ROMULUS ARMY AIRFIELD

SEPTEMBER 9, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and section 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to change the designation of the following airport as a control airport: "Detroit, Mich., Wayne County Airport" to read as follows: "Romulus, Mich., Romulus Army Air Field."

This amendment shall become effective 0001 e. w. t., August 31, 1943.

C. I. STANTON, *Administrator.*

[F. R. Doc. 43-16142; Filed, October 4, 1943; 10:23 a. m.]

[Amdt. 46]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

REDESIGNATION OF RADIO FIXES

SEPTEMBER 9, 1943.

Redesignation of radio fixes; Green civil airway No. 2, Red civil airway No. 12.

Acting pursuant to the authority vested in me by section 308 of the Civil

Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking in §601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* the words: "Detroit, Mich., (Wayne County Airport)", and substituting in lieu thereof the words: "Romulus, Mich."

2. By striking in § 601.40212 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.)* the words: "Detroit, Mich., (Wayne County Airport)", and substituting in lieu thereof the words: "Romulus, Mich."

This amendment shall become effective 0001 e. w. t., August 31, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-16143, Filed October 4, 1943; 10:23 a. m.)

[Amdt. 47]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

REDESIGNATION OF RADIO FIXES

SEPTEMBER 11, 1943.

Redesignation of radio fixes: Green Civil Airway No. 4, Amber Civil Airway No. 7, Red Civil Airways Nos. 11, 17, 18, 20.

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

1. By striking in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* the following: "or the intersection of the center lines of the on course signals of the southwest leg of the Springfield, Mo., radio range and the west leg of the St. Louis, Mo., radio range;" and substituting in lieu thereof the following: "or the intersection of the center lines of the on course signals of the southwest leg of the Springfield, Ill., radio range and the west leg of the St. Louis, Mo., radio range;" and deleting the words: "Hickory, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the southeast leg of the Akron, Ohio, radio range;" and inserting in lieu thereof the following: "the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the south leg of the Youngstown, Ohio, radio range;" and also deleting: "New Alexandria, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range;" and adding after the words: "Cove Valley, Pa., radio range station;" the following: "the intersection of the center lines of the on course signals of the west leg of the Harrisburg, Pa., radio range and the south leg of the Bellefonte, Pa., radio range."

2. By striking in § 601.4017 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)* the following portion of the caption: "Key West, Fla.," and substituting in lieu thereof the following: "Miami, Fla.," and deleting: "Key West, Fla., radio range station;" and also deleting: "Baltimore, Md., radio range station;" and inserting in lieu thereof the following: "the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the west leg of the Baltimore, Md., radio range."

3. By striking in § 601.40211 *Red civil airway No. 11 (Tulsa, Okla., to St. Louis, Mo.,)* the words: "Spring Bluff, Mo., radio range station;" and substituting in lieu thereof the following: "Vichy, Mo., radio range station."

4. By striking in § 601.40217 *Red civil airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.)* the following: "No radio fix designation." and substituting in lieu thereof the following: "Baltimore, Md., radio range station."

5. By striking in § 601.40218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* the following: "Elkins, W. Va., radio marker station;" and substituting in lieu thereof the following: "Elkins, W. Va., radio range station;"

6. By inserting in § 601.40220 *Red civil airway No. 20 (Detroit, Mich., to Washington, D. C.)* after the words: "Akron, Ohio radio range station;" the following: "the intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Youngstown, Ohio radio range."

This amendment will become effective 0001 e. w. t., September 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-16144; Filed, October 4, 1943; 10:23 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4926]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATURE SEED COMPANY

§ 3.6 (j) (10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with offer, etc., of "Nature Seed", or any other similar medicinal preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements represent, directly or by implication, that such preparation is a doctor's prescription or such as would be prescribed by a doctor for delayed, unnatural or suppressed menstruation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Nature Seed Company, Docket 4926, September 27, 1943]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of "Nature Seed", or any other similar medicinal preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements represent, directly or by implication, that such preparation (1) is a competent, effective or adequate treatment for delayed, unnatural or suppressed menstruation; or (2) is double strength and is safe and harmless for use; or which (3) fail to reveal that the use of said preparation may cause gastrointestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in case of pregnancy may cause uterine infection and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Nature Seed Company, Docket 4926, September 27, 1943]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., of "Nature Seed", or any other similar medicinal preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements contain or make use of the words "Nature Seed" as a part of the name for said product, or as a part of the name of the company under which respondent trades, or represent in any manner that said preparation is composed entirely of ingredients derived from nature, which are natural products or are in their natural state; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Nature Seed Company, Docket 4926, September 27, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1943.

In the Matter of Beatrice Kornstein, Trading as Nature Seed Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admits all the material allegations of fact set forth in said complaint, and states that she waives all

intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Beatrice Kornstein, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the medicinal preparation now known as Nature Seed, or any other medicinal preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement, directly or by implication:

(a) Represents that said preparation is a doctor's prescription or such as would be prescribed by a doctor for delayed, unnatural or suppressed menstruation.

(b) Represents that said preparation is a competent, effective or adequate treatment for delayed, unnatural or suppressed menstruation.

(c) Represents that said preparation is double strength and is safe and harmless for use.

(d) Contains or makes use of the words "Nature Seed" as a part of the name for said product, or as a part of the name of the company under which respondent trades, or represents in any manner that said preparation is composed entirely of ingredients derived from nature, are natural products or are in their natural state.

2. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in case of pregnancy may cause uterine infection and blood poisoning.

3. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof or which fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in case of pregnancy may cause uterine infection and blood poisoning.

It is further ordered, That respondent shall, within ten (10) days after service upon her of this order, file with the Commission an interim report in writing, stating whether she intends to comply with this order, and, if so, the manner and form in which she intends to comply; and that within sixty (60) days after the service upon her of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-16086; Filed, October 2, 1943; 11:02 a. m.]

[Docket No. 5012]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GLADYS H. PEISER

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with the offer, etc., in commerce, of respondent's form letters and envelopes, (1) using the words "Globe Inheritance Bureau," or any other word or words of similar import, to designate, describe or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to estates, or to the rights or interests of heirs therein; (2) representing, directly or by implication, that respondent has representatives in principal cities; (3) representing, directly or by implication, that respondent acts as counsellor to those in charge of estates, or that respondent is engaged in the business of locating heirs to estates or interests therein; (4) representing, directly or by implication, that respondent acts as examiner or searcher for title insurance companies; (5) representing, directly or by implication, that persons concerning whom information is sought through respondent's form letters have or may have any interest in estates or any other property; and (6) selling or distributing form letters or envelopes which represent, directly or by implication, that respondent's business is other than that of obtaining information to be used in the collection of debts; or which represent, directly or by implication, that the information sought through such letters is for any purpose other than for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Gladys H. Peiser, Docket 5012, September 21, 1943]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent, admits all the material allegations of fact set forth in the complaint and states that she waives all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Gladys H. Peiser, individually and trading as Globe Inheritance Bureau, or trading under any other name, and her agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's form letters and envelopes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Globe Inheritance Bureau", or any other word or words of similar import, to designate, describe or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to estates, or to the rights or interests of heirs therein.

2. Representing, directly or by implication, that respondent has representatives in principal cities.

3. Representing, directly or by implication, that respondent acts as counsellor to those in charge of estates, or that respondent is engaged in the business of locating heirs to estates or interests therein.

4. Representing, directly or by implication, that respondent acts as examiner or searcher for title insurance companies.

5. Representing, directly or by implication, that persons concerning whom information is sought through respondent's form letters have or may have any interest in estates or any other property.

6. Selling or distributing form letters or envelopes which represent, directly or by implication, that respondent's business is other than that of obtaining information to be used in the collection of debts; or which represent, directly or by implication, that the information sought through such letters is for any purpose other than for use in the collection of debts.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-16087; Filed, October 2, 1943; 11:02 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

SALE OF UNCLAIMED MERCHANDISE; LIABILITY FOR DEFICIT

NOTE: The Treasury Decision number assigned to F. R. Doc. 43-15871 (appearing at page 13288 of the issue for Thursday, September 30, 1943) has been changed from T. D. 50935 to T. D. 50928.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5299]

INCOME TAX REGULATIONS AMENDED

Regulations 103 amended; computation of earnings and profits resulting from certain tax-free transactions. Regulations 109 amended; computation of invested capital, average invested capital, daily invested capital, and equity invested capital.

Regulations 103 (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.) and Regulations 109 (Part 30, Title 26, Code of Federal Regulations, 1941 Sup.) are amended to read as follows:

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PARAGRAPH 1. Section 19.115-11 is amended by inserting immediately after the first paragraph the following new paragraph:

If a transaction described in the preceding paragraph has occurred, there shall be included in the accumulated earnings and profits of the transferee corporation as of the day on which such transaction occurred the proportionate part of any earnings and profits of the transferor corporation accumulated as of such day and property allocable to the transferee; and there shall be included in the current earnings and profits of the transferee for the taxable year of the transferee in which such transaction occurred the proportionate part of the earnings and profits of the transferor accumulated after the beginning of such taxable year and properly allocable to the transferee. The amount so included in the current earnings and profits of the transferee shall not exceed such proportionate part of the earnings and profits of the transferor accumulated as of the day on which such transaction occurred.

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PAR. 2. Section 30.715-1 is amended as follows:

(A) By striking out the third and fourth sentences of the first paragraph, and by inserting in lieu thereof the following:

The average invested capital for the taxable year is the aggregate of the daily invested capital for each day of the taxable year, whether such daily invested capital be a positive amount or a negative amount, divided by the number of days in such taxable year. In no event shall the average invested capital, or the invested capital, be an amount which is less than zero.

(B) By inserting immediately after the first paragraph the following new paragraph:

The daily invested capital is the sum of the equity invested capital, as determined under section 718 (whether such equity invested capital be a positive amount or a negative amount), and the borrowed invested capital, as determined under section 719. The daily invested capital of a transferee upon an exchange, as defined in section 760 (a), for any day after such exchange shall be reduced by the amount of any excess computed under the provisions of section 760 (c). If the amount of the equity invested capital determined under section 718 is a negative amount and is not offset by borrowed invested capital, or if the amount of the reduction under section 760 (c) in daily invested capital is larger than the amount of such daily invested capital computed without regard to such reduction, the daily invested capital will be a negative amount.

PAR. 3. Section 30.718-2 is amended as follows:

(A) By adding at the end of (a) thereof the following new paragraphs:

If the earnings and profits of another corporation have been included in the earnings and profits of the taxpayer by virtue of a transaction of the character referred to in section 718 (b) (3), for the purpose of computing the equity invested capital of the taxpayer for each day after the day of such transaction there shall be included in the accumulated earnings and profits of the taxpayer as of the beginning of its taxable year in which such transaction occurred the proportionate part of any earnings and profits of the other corporation accumulated prior to the beginning of such taxable year and properly allocable to the taxpayer; and there shall be included in the current earnings and profits of the taxpayer for such taxable year the proportionate part of any earnings and profits of such other corporation accumulated after the beginning of such taxable year and properly allocable to the taxpayer. The amount so included in the earnings and profits of the taxpayer as of the beginning of its taxable year in which the transaction occurred or in its current earnings and profits for such year shall not exceed such proportionate part of the earnings and profits of such other corporation accumulated as of the day on which such transaction occurred.

If the transaction which resulted in the transfer to the taxpayer of the earnings and profits of another corporation constitutes an intercorporate liquidation subject to the provisions of section 761, the rule of the preceding paragraph shall apply only with respect to that portion of such earnings and profits attributable to the stock of such other corporation held by the taxpayer with a basis determined under section 761 to be a basis other than cost. Section 761 (d) (1) provides for the adjustment appropriate with respect to the earnings and profits of such other corporation taken over in the liquidation attributable to the stock of such other corporation held by the taxpayer with a basis determined to be a cost basis.

(B) By adding at the end of (b) thereof the following new paragraphs:

In any case in which the earnings and profits of another corporation are included in the accumulated earnings and profits of the taxpayer by reason of a transaction of the character referred to in section 718 (b) (3), the proportionate part of any such earnings and profits accumulated after the beginning of the taxable year the taxpayer in which such transaction occurred and allocable to the taxpayer, but in an amount not to exceed the proportionate part of the earnings and profits of such other corporation accumulated as of the day of such transaction, shall be considered to be current earnings of the taxpayer for such taxable year.

The earnings and profits for the taxable year in which an intercorporate liquidation has occurred subject to the provisions of section 761 shall be increased or decreased, as the case may be, by the plus adjustment or the minus adjustment computed under section 761 (b) with respect to the stock of the liquidated corporation held by the taxpayer with a basis determined under section 761 to be a cost basis. See section 761 (d) (1).

PAR. 4. Section 30.718-5, as renumbered by Treasury Decision 5092, approved October 21, 1941, is amended by inserting at the end the following:

The amount of distributions by a corporation whether in bonds of such corporation, or in money or other property may exceed the amount of the equity invested capital computed without regard to such distributions. In such event, the equity invested capital of such corporation shall be reduced by virtue of such distributions to a negative amount.

PAR. 5. Section 30.718-6, as renumbered by Treasury Decision 5092 and as amended by Treasury Decision 5267, approved May 23, 1943, is further amended by renumbering such section as § 30.718-7, and by striking therefrom the last example and the paragraph immediately preceding the last example.

PAR. 6. There is inserted immediately preceding § 30.718-6 prior to its renumbering by this Treasury decision the following new section:

§ 30.718-6 *Determination of daily equity invested capital; reduction by earnings and profits of another corporation.* Section 718 (b) (3) provides for the elimination of the duplication which occurs in the computation of the equity invested capital of the taxpayer following a transaction of the character referred to therein, as a result of which the earnings and profits of another corporation became the earnings and profits of the taxpayer.[1] The earnings and profits of such other corporation having been included at the time of the transaction in the earnings and profits of the taxpayer, they remain continuously thereafter a part of such earnings and profits account for the purpose of computing for any day after such transaction the earnings and profits, the accumulated earnings and profits at the beginning of the taxable year, and the earnings and profits of the taxable year. In addition, however, the amount of such included earnings and profits is also brought into computation of equity invested capital of the taxpayer under provisions of section 718 other

[1] *Commissioner* v. *Sansome*, 60 Fed. (2d) 931.

than section 718 (a) (4) relating to accumulated earnings and profits as of the beginning of the taxable year. Thus, if the transaction is a reorganization to which section 113 (a) (7) is applicable, and in which the taxpayer receives all the assets of another corporation in exchange solely for its own stock, such amount has already been taken into account in property paid in for stock under section 718(a) (2); or if the transaction is an intercorporate liquidation of another corporation involving a distribution with respect to stock of such other corporation held by the taxpayer with a basis determined under section 761 to be a basis other than cost, such amount has already been taken into account in the computation of equity invested capital of the taxpayer, as adjusted under section 761 (d) (2).

To preclude this duplicate inclusion of the earnings and profits of another corporation in the invested capital of the taxpayer, section 718 (b) (3) provides, as a step in the computation of equity invested capital, for the reduction of equity invested capital otherwise computed by the amount of earnings and profits of another corporation previously at any time included in the earnings and profits of the taxpayer. This adjustment is to be made in the computation of equity invested capital for each day after the day of such transaction, regardless of whether the earnings and profits absorbed were produced during the taxable year of the taxpayer in which such transaction occurred or in a prior taxable year, and regardless of the condition of the earnings and profits account of the taxpayer immediately prior to or at any time subsequent to the date of such transaction.

PAR. 7. Sections 30.718-7 and 30.718-8 as added by Treasury Decision 5267, approved May 27, 1943, are renumbered as §§ 30.718-8 and 30.718-9, respectively.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62), sec. 115 of the Internal Revenue Code (53 Stat. 46; 53 Stat. 873; 54 Stat. 1004; 26 U.S.C. 115), sec. 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C. 729 (a)); and secs. 715, 716, 717, and 718 of the Internal Revenue Code (54 Stat. 982; 26 U.S.C. 715, 716, 717, 718))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 1, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F.R. Doc. 43-16101; Filed, October 2, 1943; 3:41 p. m.]

[T. D. 5300]

PART 36—RELIEF FROM DOUBLE PAYMENTS IN 1943

Regulations under section 6 of the Current Tax Payment Act of 1943 relating to relief from double payments in 1943.

Sec.
36.1 Relief from double payments in 1943.
36.2 Increase in the tax for 1943.
36.3 Additional increase in 1943 tax where income substantially increased.
36.4 Application of paragraph (b) of section 6 relating to increase in tax for 1943 to taxpayers in military or naval forces of the United Nations.
36.5 Joint returns, husband and wife, increase in tax for 1943.
36.6 Credit for foreign tax and application of sections 105, 106, and 107 of the Internal Revenue Code.
36.7 Treatment of income attributed to base year under section 107 of the Internal Revenue Code.
36.8 Partnership business formerly operated by corporation.
36.9 Extension of time for payment of increase in 1943 tax.
36.10 Treatment of payments on account of 1942 tax.

AUTHORITY: §§ 36.1 to 36.10 are issued under sec. 6 of the Current Tax Payment Act of 1943 approved June 9, 1943, (Pub. Law 68, 78th Cong.) and sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed. 62.)

Section 6 of the Current Tax Payment Act of 1943 provides as follows:

SEC. 6. RELIEF FROM DOUBLE PAYMENTS IN 1943. (a) *Tax for 1942 not greater than tax for 1943.* In case the tax imposed by Chapter 1 of the Internal Revenue Code upon any individual (other than an estate or trust and other than a nonresident alien not subject to the provisions of sections 58, 59, and 60 of such chapter) for the taxable year 1942 (determined without regard to this section, without regard to interest or additions to the tax, and without regard to credits against the tax for amounts withheld at source) is not greater than the tax for the taxable year 1943 (similarly determined), the liability of such individual for the tax imposed by such chapter for the taxable year 1942 shall be discharged as of September 1, 1943, except that interest and additions to such tax shall be collected at the same time and in the same manner as, and as a part of, the tax under such chapter for the taxable year 1943. In such case if the tax for the taxable year 1942 (determined without regard to this section and without regard to interest or additions to the tax) is more than $50, the tax under such chapter for the taxable year 1943 shall be increased by an amount equal to 25 per centum of the tax for the taxable year 1942 (so determined) or the excess of such tax (so determined) over $50, whichever is the lesser. This subsection shall not apply in any case in which the taxpayer is convicted of any criminal offense with respect to the tax for the taxable year 1942 or in which additions to the tax for such taxable year are applicable by reason of fraud.

(b) *Tax for 1942 greater than tax for 1943.* In case the tax imposed by Chapter 1 of the Internal Revenue Code upon any individual (other than an estate or trust and other than a nonresident alien not subject to the provisions of sections 58, 59 and 60 of such chapter) for the taxable year 1942 (determined without regard to this section, without regard to interest or additions to the tax, and without regard to credits against the tax for amounts withheld at source) is greater than the tax for the taxable year 1943 (similarly determined), the liability of such individual for the tax imposed by such chapter for the taxable year 1942 shall be discharged as of September 1, 1943, except that interest and additions to such tax shall be collected at the same time and in the same manner as, and as a part of, the tax under such chapter for the taxable year 1943. In such case the tax under such chapter for the taxable year 1943 shall be increased by—

(1) The amount by which the tax imposed by such chapter for the taxable year 1942 (determined without regard to this section and without regard to interest and additions to such tax) exceeds the tax imposed by such chapter for the taxable year 1943 (determined without regard to this section, without regard to interest and additions to such tax, and without regard to credits against such tax under section 466 (c) or under section 35 of such chapter), plus

(2) If the tax for the taxable year 1943 (determined without regard to this section, without regard to interest or additions to the tax, and without regard to credits against such tax under section 466 (c) or under section 35 of such chapter) is more than $50, an amount equal to 25 per centum of the tax for the taxable year 1943 (so determined) or the excess of such tax (so determined) over $50, whichever is the lesser. Such amount shall in no case exceed 25 per centum of the tax for the taxable year 1942 (determined without regard to this section and without regard to interest and additions to such tax) or the excess of such tax (so determined) over $50, whichever is the lesser.

This subsection shall not apply in any case in which the taxpayer is convicted of any criminal offense with respect to the tax for the taxable year 1942 or in which additions to the tax for such taxable year are applicable by reason of fraud. An individual who becomes subject to tax for the taxable year 1943 under this subsection shall be an individual required to make a return for the taxable year 1943 under section 51 of the Internal Revenue Code.

(c) *Additional increase in 1943 tax where increased income*—(1) *Tax for 1942 not greater than that for 1943.* In the case of a taxpayer whose liability for the tax for the taxable year 1942 is discharged under subsection (a), and whose surtax net income for the base year plus $20,000 is less than that for the taxable year 1942, the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year 1943 shall be increased by the excess of 75 per centum of the tax imposed by such chapter for the taxable year 1942 (determined without regard to this section and without regard to interest and additions to the tax) over a tentative tax computed as if the portion of the surtax net income for the taxable year 1942 which is not greater than the sum of the surtax net income for the base year plus $20,000 constituted both the surtax net income for the taxable year 1942, and the net income for such taxable year after allowance of all credits against net income;

(2) *Tax for 1942 greater than that for 1943.* In the case of a taxpayer whose liability for the tax for the taxable year 1942 is discharged under subsection (b) and whose surtax net income for the base year plus $20,000 is less than that for the taxable year 1943, the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year 1943 shall be increased by the excess of 75 per centum of the tax imposed by such chapter for the taxable year 1943 (determined without regard to this section and without regard to interest and additions to the tax) over a tentative tax for the taxable year 1943 computed as if the portion of the surtax net income for such taxable year which is not greater than the sum of the surtax net income for the base year plus $20,000 constituted both the surtax net income for the taxable year 1943, and the net income for such taxable year after allowance of all credits against net income.

For the purposes of this subsection "base year" means any one of the taxable years 1937, 1938, 1939, or 1940, to be selected by the taxpayer.

(d) *Rules for application of subsections (a), (b), and (c)*—(1) *Application of subsection (b) to members of armed forces.* If the taxpayer is in active service in the military or naval forces of the United States or any of the other United Nations at any time dur-

ing the taxable year 1942 or 1943, the increase in the tax for the taxable year 1943 under subsection (b) (1) shall be reduced by an amount equal to the amount by which the tax for the taxable year 1942 (determined without regard to this section) is increased by reason of the inclusion in the net income for the taxable year 1942 of the amount of the earned net income (as defined in section 25 (a) (4)).

(2) *Joint returns.* If the taxpayer either for the taxable year 1942 or for the taxable year 1943 makes a joint return with his spouse, the taxes of the spouses for the taxable year for which a joint return is not made shall be aggregated for the purposes of subsections (a), (b), and (c), and in case the taxable year for which a joint return is not made is the taxable year 1943, the liability for the increase in the tax for the taxable year 1943 under subsections (b) and (c), shall be joint and several.

(3) *Foreign tax credit and application of sections 105, 106, and 107.* The credit against the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year 1943 allowed by section 31 of such chapter (relating to taxes of foreign countries and of possessions of the United States), shall be determined without regard to subsections (a), (b), and (c). Sections 105, 106, and 107 of such chapter (relating to limitations on tax) shall be applied without regard to subsections (a), (b), and (c).

(4) *Section 107 income attributed to base year.* That portion of the compensation which is received or accrued in the taxable year 1942 (if the tax for such year is not greater than that for the taxable year 1943), or in the taxable year 1943 (if the tax for such year is less than that for the taxable year 1942), and which under section 107 of the Internal Revenue Code is attributed to the base year, shall be for the purposes of subsection (c) be excluded in computing the surtax net income for the taxable year 1942 or 1943, as the case may be, and be included in computing the surtax net income for the base year.

(5) *Partnership business formerly operated as corporation.* If, during the base year of any individual, such individual was a shareholder in a corporation and if substantially all of the assets of such corporation were at any time prior to May 1, 1943, acquired by such individual or a partnership of which he is a partner pursuant to the complete liquidation of such corporation, and if at all times after such liquidation up to and including the taxable year 1942 (if subsection (a) is applicable) or the taxable year 1943 (if subsection (b) is applicable) the trade or business of such corporation was carried on by such individual or partnership, for the purposes of subsection (c) such individual may compute his surtax net income for the base year as if the earnings and profits of the corporation for the taxable year ending with or within the base year had all been distributed as dividends at the end of such taxable year. If the interest of such individual in the partnership is proportionately less than his interest in the corporation, his distributive share of such dividends shall for the purposes of this paragraph be adjusted to reflect such difference.

(6) *Certain portions of increase in 1943 tax not part of estimated tax.* The amount by which the tax for the taxable year 1943 is increased under subsection (a), (b) (2), or (c) shall not be considered to be a part of the tax for such taxable year for the purposes of sections 58, 59, 60, and 294 (a) (3), (4), and (5) of the Internal Revenue Code.

(7) *Taxpayer dying in taxable year 1942.* If the individual dies during the taxable year 1942, subsections (a), (b), and (c) shall not apply.

(e) *Extension of time for payment of portions of increase in 1943 tax*—(1) *Twenty-five per centum increase under subsection (a) or (b).* At the election of the taxpayer, made under regulations prescribed by the Commissioner with the approval of the Secretary, the Commissioner shall, except as hereinafter provided, extend the time for the payment of the portion of the tax for the taxable year 1943 equal to one-half of the amount of the 25 per centum increase therein under subsection (a) or (b) (2) for the taxable year 1943, in which case such portion shall be paid on or before the fifteenth day of the fifteenth month following the close of the taxable year. The Commissioner may condition the extension upon the furnishing by the taxpayer of a bond in such amount, not exceeding the amount with respect to which the extension applies, with such surety or sureties, as the Commissioner deems necessary, conditioned upon the payment of such amount in accordance with the terms of the extension. If such amount is not paid on or before the date on which it is payable, it shall be paid upon notice and demand from the Collector. If such amount is not paid on or before the date on which it is payable, there shall be collected, as a part of the tax, interest on such amount at the rate of 6 per centum per annum for the period beginning with the date on which such amount is payable and ending with the date on which it is paid.

(2) *Increase under subsection (c).* At the election of the taxpayer, made under regulations prescribed by the Commissioner with the approval of the Secretary, the Commissioner shall, except as hereinafter provided, extend the time for the payment of the portion of the tax for the taxable year 1943 equal to the increase therein under subsection (c), in which case such portion shall be paid in four equal annual installments, the first of which shall be paid on the fifteenth day of the fifteenth month following the close of the taxable year, and of the remaining installments one of which shall be paid on the last day of each succeeding twelve-month period, except that any installment may be paid prior to the date prescribed for its payment. The Commissioner may condition the extension upon the furnishing by the taxpayer of a bond in such amount, not exceeding the amount of such increase, with such security or sureties, as the Commissioner deems necessary, conditioned upon the payment of such amount in accordance with the terms of the extension. If the time for the payment of such portion is extended, there shall be collected, as a part of the tax, interest on each installment at the rate of 4 per centum per annum for the period beginning with the date prescribed for the payment of the tax for such taxable year and ending with the date on which such installment is paid or the date on which it is payable, whichever is the earlier. If any installment is not paid on or before the date on which it is payable, it and the remaining installment shall be paid upon notice and demand from the Collector. If any installment is not paid on or before the date on which it is payable, there shall be collected, as part of the tax, interest on such installment at the rate of 6 per centum per annum for the period beginning with the date on which such installment is payable and ending with the date on which it is paid.

(f) *Treatment of payments on account of 1942 tax.* Any payment (other than interest and additions to the tax) made on account of the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year 1942 upon a taxpayer whose liability for such tax is discharged under subsection (a) or (b) shall be considered as payment on account of the estimated tax for the taxable year 1943. In the case of any extension of time for the payment of such tax granted by the Commissioner prior to September 1, 1943, payment of the portion thereof which if such extension had not been granted would have been payable under section 58 (b) prior to such date shall be made notwithstanding subsection (a) or (b), but the foregoing provisions of this subsection shall apply to any such payment. In case the taxpayer becomes delinquent, prior to September 1, 1943, in the payment of such tax or any installment thereof, subsection (a) or (b) shall not relieve the taxpayer of his liability for the tax, but the foregoing provisions of this subsection shall be applicable to payment of such liability. If any payment on account of the tax imposed by such chapter for the taxable year 1942 is made pursuant to a joint return made by husband and wife for such taxable year, and such payment is considered as a payment on account of the estimated tax for the taxable year 1943, such payment may be treated as a payment on account of the estimated tax of either the husband or the wife for such taxable year or may be divided between them.

(g) *Use of term "taxable year".* For the purposes of this section the terms "taxable year 1937", "taxable year 1938", "taxable year 1939", "taxable year 1940", "taxable year 1942", and "taxable year 1943" mean, respectively, the taxable year beginning in 1937, 1938, 1939, 1940, 1942, and 1943, respectively; and "taxable year" as applied to the taxable year 1942 or 1943 shall not include any period of less than twelve months unless occasioned by the death of the taxpayer or unless there is no taxable year of twelve months beginning in such calendar year.

(h) *Regulations.* This section shall be applied in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

Pursuant to the above-quoted provisions of the Current Tax Payment Act of 1943, the following regulations are hereby prescribed:

§ 36.1 *Relief from double payments in 1943*—(a) *General.* The Current Tax Payment Act of 1943 (hereinafter referred to as the Act) in placing individual income taxpayers upon a current basis for taxable years beginning after December 31, 1942, contains provisions relieving these taxpayers from the burden of paying two years' tax liabilities in one year, which, without such provisions, would result from the change to the current basis. In general, the effect of these provisions found in section 6 of the Act (hereinafter referred to as section 6) is to cut down the amount of tax liability otherwise payable by an individual taxpayer by 100 percent of the tax liability for the lower of the taxable years 1942 or 1943, where that liability is $50 or less, by the amount of $50 where the tax liability for the lower year is $66.66 or less, by 75 percent of the amount of the tax liability for the lower year where that liability is more than $66.66, and by a smaller percentage where the surtax net income for 1942 or 1943 exceeds by more than $20,000 the surtax net income of the taxpayer for any one of the years 1937, 1938, 1939, and 1940 which he may select. Technically, the entire tax liability for the taxable year beginning in 1942 is discharged as of September 1, 1943, but the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year beginning in 1943 is increased to achieve the effect outlined in the foregoing sentence as follows:

If the tax for 1942 (determined without regard to section 6, interest or additions to the tax, and credits for tax withheld at source) is not greater than

the tax for 1943 (similarly determined) the tax for 1943 is increased by:

(1) 25 percent of the tax for the taxable year 1942 (determined without regard to section 6 and without regard to interest or additions to the tax) or the excess of the tax so determined over $50, whichever is the lesser; and

(2) If the surtax net income for the base year plus $20,000 is less than that for the taxable year 1942, the excess of 75 percent of the tax for the taxable year 1942 (determined without regard to section 6 and without regard to interest and additions to the tax) over a tentative tax for the taxable year 1942 computed upon an amount equal to the surtax net income for the base year plus $20,000.

If the tax for 1942 (determined without regard to section 6, interest or additions to the tax, and credits for tax withheld at source) is greater than the tax for 1943 (similarly determined) the tax for 1943 is increased by:

(1) 25 percent of the tax for the taxable year 1943 (determined without regard to section 6, interest or additions to the tax, and credits for tax withheld at source under sections 466 and 1622 of the Internal Revenue Code) or the excess of the tax so determined over $50 whichever is the lesser, but such increase shall not exceed 25 percent of the tax for the taxable year 1942 (determined without regard to section 6 and interest and additions to such tax) or the excess of the tax so determined over $50, whichever is the lesser; and

(2) The excess of the tax for the taxable year 1942 (determined without regard to section 6 and without regard to interest and additions to such tax) over the tax for the taxable year 1943 (determined without regard to section 6, interest and additions to the tax, and credits for tax withheld at source under sections 466 or 1622 of the Internal Revenue Code); and

(3) If the surtax net income for the base year plus $20,000 is less than that for the taxable year 1943, an amount equal to the excess of 75 percent of the tax for the taxable year 1943 (determined without regard to section 6, interest or additions to the tax, and credits for tax withheld at source under sections 466 and 1622 of the Internal Revenue Code) over a tentative tax for the taxable year 1943 computed upon an amount equal to the surtax net income for the base year plus $20,000.

For the purpose of these regulations the term "base year" means any one of the taxable years 1937, 1938, 1939, or 1940, to be selected by the taxpayer.

In the determination of such increases in the tax liability for the taxable year 1943 the statute provides a number of rules applicable in making such determination and relating, severally, to the members of the armed forces of the United States or of any of the United Nations, to joint returns of husband and wife, to foreign tax credits, to compensation for services rendered over a period of more than 36 months, and to income derived from a business formerly operated under the corporate form.

The provisions of section 6 relating to relief from double taxation have application only to individuals (not including estates and trusts and not including nonresident alien individuals other than those who have wages subject to withholding under section 1622 of the Internal Revenue Code). They have no application in the case of a taxpayer who has been convicted of any criminal offense with respect to the tax for the taxable year beginning in 1942, nor in the case of a taxpayer in whose case additions to the tax are applicable by reason of fraud, nor in the case of an individual dying during the taxable year beginning in 1942. In such cases tax liability for 1942 is not discharged.

The term "the tax" when used without qualification in these regulations means the tax after the application of the credit for foreign tax provided in section 31 of the Internal Revenue Code.

For the purposes of section 6, the victory tax is the tax under section 450 of the Internal Revenue Code reduced by the aggregate amount of the post war credit or refund under the provisions of sections 453 and 454 of the Internal Revenue Code. The rule is applicable only for the purpose of the comparison to determine the applicable provisions of section 6 and the amount of the increases under such provisions. It has no application in the computation of that part of the income and victory tax for 1943 which it is necessary to determine before applying section 6. For example, a single person, having no dependents, has a tax of $3,000 for the taxable year 1943, including $800 victory tax. No portion of the post war credit is claimed currently under the provisions of section 453 of the Internal Revenue Code. However, the amount of the post war credit under the provisions of section 454 is $200 (25 percent of $800 or $500, whichever is the lesser). Hence, while the income tax liability before the addition of any increases under section 6 is $3,000, the amount to be used for the purpose of determining the application of section 6 and the increases thereunder is $2,800, representing normal tax and surtax in the amount of $2.200 and net victory tax in the amount of $600.

(b) *Meaning of term "taxable year".* For the purposes of section 6 the terms "taxable year 1937", "taxable year 1938", "taxable year 1939", "taxable year 1940", "taxable year 1942", and "taxable year 1943" mean, respectively, the taxable year beginning in 1937, 1938, 1939, 1940, 1942, and 1943; and "taxable year" as applied to the taxable year 1942 or 1943 shall not include any period of less than twelve months unless occasioned by the death of the taxpayer or unless there is no taxable year of twelve months beginning in such calendar year. Thus, the calendar year 1942 and the calendar year 1943 constitute, respectively, the taxable year 1942 and the taxable year 1943 in the case of a taxpayer on the calendar year basis for both of such years. Likewise, the fiscal year beginning in 1942 and the fiscal year beginning in 1943 constitute, respectively, the taxable years 1942 and 1943. If the taxpayer dies in 1943 and was on the calendar year basis, the taxable year 1942 is the calendar year 1942 and the taxable year 1943 is the period from January 1 of that year to the date of death. In the case of a taxpayer on the calendar year basis who secures permission to change, and does so change, to the fiscal year basis as of July 1, 1943, the taxable year 1942 is the calendar year 1942 and the taxable year 1943 is the fiscal year beginning July 1, 1943.

The provisions of section 6 have no application to a fiscal year ending in 1942, as for example, on November 30, 1942. In such case the taxpayer will pay his tax for such taxable year at the time prescribed in section 56 of the Internal Revenue Code as though section 6 had not been enacted. In such case the taxpayer's taxable year 1942 is the year beginning December 1, 1942. The tax liability for such latter year, however, is discharged on September 1, 1943, before the end of such taxable year and no tax is required to be paid in such case for such year. However, it will be necessary for the taxpayer in such case to file a return for the taxable year 1942.

(c) *Certain portions of increase in 1943 tax not part of estimated tax.* The only portion of the increase in the tax for 1943 resulting from the application of section 6 which is a part of the estimated tax is that portion of such increase provided for in section 6 (b) (1), relating to the increase in the tax for 1943 where the tax for 1942 is greater than the tax for 1943, such increase being the excess of the tax for 1942 (after credits for tax withheld at source under section 143 of the Internal Revenue Code) over the tax for 1943 similarly computed. Thus, such portion of the increase in the tax for 1943 is the only portion required to be shown on the declaration and paid as part of the estimated tax. Such portion of the increase shall also be taken into account in the computation of the additions to the tax under section 294 (a) (3), (4), and (5) of the Internal Revenue Code. The 25 percent increase in the tax for the taxable year 1943 required under subsection (a) or (b) (2) of section 6 and the additional increase under subsection (c) shall not be considered to be a part of the tax for the taxable year 1943 for the purposes of the declaration and payment of the estimated tax or for the purpose of the penalties for failure to file the declaration in time, to pay the current installments, or for substantial underestimate of the estimated tax. The increases under subsections (a), (b) (2) and (c) of section 6 will be reflected for the first time in the income tax return to be filed for the taxable year 1943.

§ 36.2 *Increase in the tax for 1943*—(a) *Where tax for 1942 not greater than that for 1943.* There are two situations in which, without reference to the base year, the tax otherwise computed for the taxable year 1943 may be increased by reference to the tax for the year 1942: (1) the case in which the tax for 1942 is equal to or less tha nthat for 1943; and (2) the case in which the tax for 1942 is greater than that for 1943. For the purposes of determining which of these situations exists in the case of any given

taxpayer, the amount of the income tax for the taxable year 1942 is compared with the income tax (including the victory tax) for 1943, the tax for each year being the tax determined without regard to section 6, interest or additions to the tax, or tax withheld at the source under sections 143, 466, or 1622 of the Internal Revenue Code, but with regard to the foreign tax credit, if any. If the tax thus computed for the taxable year 1942 is not in excess of that similarly computed for 1943, the addition to the tax for 1943 is determined as provided in subsection (a) of section 6 and these regulations.

If the tax for the taxable year 1942, computed as above described, is not in excess of the tax for 1943, so computed, the next step in the process of applying subsection (a) of section 6 is to apply as a credit against the tax for 1942 the tax, if any, withheld at the source under section 143 of the Internal Revenue Code. The next step is to similarly reduce the tax for 1943 by the amount of any like credits allowable for that year. If, after thus reducing the tax for 1942 and the tax for 1943, the tax for 1942 does not exceed $50, the amount of such tax is discharged and there is no increase in the tax for 1943. However, if the tax for 1942 as thus reduced is in excess of $50, the tax for 1943 otherwise computed shall be increased by an amount equal to 25 percent of the tax (after credits under sections 31 and 32 of the Internal Revenue Code) for the year 1942 or the excess of the tax for 1942 over the sum of $50, whichever is the lesser.

The application of these principles may be illustrated by the following examples:

Example (1). A, a citizen and resident of the United States, had tax for the calendar year 1942 of $1,000 and for the calendar year 1943 of $1,200. He held in such years no tax-free covenant bonds. The tax for 1943 of $1,200 is, under section 6 (a), increased by 25 percent of the tax for 1942 ($250) and hence the tax for 1943 becomes $1,450. Such increase of $250 is not a part of the estimated tax for 1943 and is not required to be included in the declaration of estimated tax to be filed by A for the year 1943.

Example (2). B, a citizen and resident of the United States, has a tax of $900 for the taxable year 1942 and of $1,000 for the taxable year 1943, before credits for tax paid at source. For 1942 and 1943 the amount of tax paid on behalf of B upon interest on tax-free covenant bonds is $100 and $250, respectively, leaving a net tax for 1942 of $800 and for 1943 of $750. Upon these facts there will be added to the 1943 tax of B $200, that is, 25 percent of $800, thus resulting in a tax for 1943 of $950.

Example (3). C, a citizen and resident of the United States, has a tax of $60 for the taxable year 1942 and of $100 for the taxable year 1943 with no tax paid at the source under section 143 of the Internal Revenue Code. The amount to be added to the tax for 1943 is (a) 25 percent of $60 ($15) or (b) $60 minus $50 ($10), whichever is the lesser. Since $10 is less than 25 percent of $60, the sum of $10 is added to the tax for 1943, thus increasing such tax to $110.

Example (4). D, a nonresident alien and a citizen and resident of Canada, who makes his returns on the calendar year basis, is employed throughout the taxable years 1942 and 1943 in the United States at a salary of $5,000 per year and enters and leaves the United States at frequent intervals. He is married and has two dependents. He also receives each year $1,000 in dividends from a United States domestic corporation on which a tax of $150 is withheld at the source in the United States for each of such years. His tax for the years 1942 and 1943 (after application of the credit for the tax of $150 withheld at the source but without regard to the credit for tax withheld on wages) is $666 and $934.80, respectively. Accordingly, the tax for 1942, $666 (that is, the aggregate tax for that year ($816) minus the credit for tax ($150) withheld at source on the dividends) is discharged and 25 percent of such tax or $166.50 becomes a part of the tax for 1943 and should be included in the return required to be filed by D for the taxable year 1943 on or before March 15, 1944. See section 217 (a) of the Internal Revenue Code, as amended by section 5 (e) of the Act.

(b) *Where tax for 1942 greater than tax for 1943.* If it is determined that the tax for the taxable year 1942 (computed without regard to section 6, interest or additions to the tax, and credits for tax withheld at the source) is greater than the tax for 1943, similarly computed, the next step is to ascertain the amount of the credits for tax withheld at the source under section 143 of the Internal Revenue Code. After the tax for 1942 and the tax for 1943 are reduced by such credits, the tax for 1942 is compared with the tax for 1943. If the tax for 1942 is in excess of the tax for 1943, then the tax otherwise determined for 1943 is increased by the sum of the following items:

(1) The excess of the tax for the taxable year 1942 (determined without regard to section 6 and without regard to interest and additions to such tax) over the tax for the taxable year 1943 (determined without regard to section 6, interest and additions to the tax, and credits for tax withheld at source under section 466 or 1622 of the Internal Revenue Code); and

(2) If the tax for the taxable year 1943 is in excess of $50, 25 percent of the tax for the taxable year 1943 (determined without regard to section 6, interest or additions to the tax, and credits for tax withheld at source under sections 466 and 1622 of the Internal Revenue Code) or the excess of the tax so determined over $50 whichever is the lesser; but such increase shall not exceed 25 percent of the tax for the taxable year 1942 (determined without regard to section 6 and interest and additions to such tax) or, the excess of the tax so determined over $50, whichever is the lesser.

For the purpose of the comparison to determine whether the tax for 1942 is greater than the tax for 1943 and for the purpose of computing the amount of the increase in the tax for 1943, the victory tax to be taken into account is the tax under section 450 of the Internal Revenue Code reduced by the aggregate amount of the post war credit or refund under the provisions of sections 453 and 454 of the Internal Revenue Code. For example, assume that a single person having no dependents has a tax of $2,900 for the taxable year 1942 and $3,000 for the taxable year 1943 the latter amount including $800 victory tax determined without regard to the post war credit or refund. No portion of the post war credit is claimed currently. For the purposes of section 6 the amount of the victory tax to be taken into account is $600, representing $800 minus the post war credit of $200 (25 percent of the victory tax or $500, whichever is the lesser). Hence, while the tax for 1943 before the addition of any increases under section 6 is $3,000, the amount to be used for the purpose of determining the application of section 6 and the increases thereunder is $2,800, representing normal tax and surtax in the amount of $2,200 and net victory tax in the amount of $600. The tax liability for 1943 including the increases under section 6 (b) is determined as follows:

Tax for 1943 before application of section 6	$3,000
Increase under section 6 (b) (1) Excess of $2,900 over $2,800	100
Increase under section 6 (b) (2) 25 percent of $2,800	700
Total tax for 1943	3,800

In any case in which the tax for 1942 as well as the tax for 1943 is less than $50, but the tax for 1942 is in excess of that for 1943, the excess of the tax for 1942 is added to the tax for 1943. Thus, for example, if the tax liability, without regard to section 6, for 1942 is $48 and for 1943 is $45, under the operation of section 6 the tax for 1943 becomes $48.

The amount by which the tax for 1943 is increased under subparagraph (1) constitutes a part of the amount to be estimated as the tax by the taxpayer upon his declaration of estimated tax for the taxable year 1943. Hence, in the case of a taxpayer required to file a declaration of estimated tax it will be necessary to show on such declaration any such increase in the tax for 1943. However, subparagraph (2) is not deemed to be a part of the estimated tax and hence is not required to be shown in the declaration of estimated tax.

Any individual who, though not otherwise required to file an income tax return for the taxable year 1943 and not otherwise liable to tax for that year, is liable to tax for such year due to the application of section 6 (b) must make a return for the taxable year 1943. For example, A has gross income for 1943 of $450 and in the absence of section 6 (b) is not required to file a return. However, A had a tax liability of $1,000 for the year 1942 and his tax liability for 1943 without regard to section 6 is zero. In such case under the operation of section 6 (b) (1), his tax liability for 1943 becomes $1,000, and A is required under the provisions of section 6 (b) to file a return for 1943.

The application of section 6 (b) may be illustrated by the following examples:

Example (1). Without regard to section 6, A's tax for 1942 is $2,152 and his tax for

1943 is $180, including victory tax of $50. The amount of the post war credit or refund under the provisions of section 454 of the Internal Revenue Code is $20, none of which is claimed currently. There is no tax withheld at the source under section 143 of the Internal Revenue Code. The tax of $180 for 1943 is, through the operation of section 6 (b) (1), increased by $1,992, the excess of $2,152 over $160 ($180 minus post war credit of $20), thus making a total of $2,172. To this amount there is also added 25 percent of $160, or $40, thus making $2,212 the aggregate tax for 1943.

Example (2). A, a citizen and resident of the United States, has a tax before withholding credits for the taxable year 1942 of $1,000. The full amount of the victory tax post war credit for the taxable year 1943 is claimed currently, and his tax for such year before withholding credits is $750. The following computation shows the application of section 6 (b):

YEAR 1942		
1. Tax (before withholding credits)	$1,000	
2. Tax paid at source on tax-free covenant bond interest	100	
3. Balance of tax		$900
YEAR 1943		
4. Tax (before withholding credits)	$750	
5. Less credit for tax paid at source on tax-free covenant bond interest but not for tax withheld on wages	75	
6. Tax for 1943 (before credit for tax withheld on wages		675.00
7. Increase to be added to 1943 tax (section 6 (b) (1))		225.00
8. Increase under section 6 (b) (2) (25% of 6)		168.75
9. Tax increase for 1943		393.75
10. Tax for 1943 (before credit for tax withheld on wages)		675.00
11. Total tax for 1943 (before credit for tax withheld on wages)		1,068.75

For the purpose of determining the excess, if any, of the tax for 1942 over the tax for 1943, the tax for 1942 is the tax after the credit for tax withheld at source under section 143 of the Internal Revenue Code, and the tax for 1943 is the tax after the credit for the tax withheld at the source under section 143 of the Internal Revenue Code, but before the credit for any tax withheld at the source on wages under section 466 or 1622 of the Internal Revenue Code.

Example (3). The following figures show the tax of B, a citizen and resident of the United States, for the taxable years 1942 and 1943, the relation thereto of tax paid at source on interest received in those years on tax-free covenant bonds held by B, and the effect of section 6 (b):

Tax for 1942 before withholding credits	$1,000
Credit for tax paid at source on tax-free covenant bond interest	250
Balance	750
Tax for 1943 before withholding credits	900
Credit for tax paid at source on tax-free covenant bond interest	$100
Balance	800
Increase in 1943 tax under section 6 (b) (1)	None
Increase in tax for 1943 under section 6 (b) (2): 25% of $750 (25% of $750 being less than 25% of $800)	187.50

In determining whether subsection (a) or subsection (b) of section 6 applies, the amount of $1,000 for 1942 is compared with the amount of $900 for 1943, and, since the tax for 1942 is the greater, the increase in the tax for 1943 is determined under subsection (b) of section 6. However, in determining the amount of the excess, if any, of the tax for 1942 over the tax for 1943 to be added to the 1943 tax, the amount of $750 for 1942 and the amount of $800 for 1943 are used.

Example (4). A has a tax for the calendar year 1942 of $45 and has no tax for the calendar year 1943 without regard to section 6. The tax for 1942 is discharged but under the provisions of subsection (b) (1) of section 6 the amount of $45 being the excess of the tax for 1942 over that for 1943 becomes the tax for 1943. Since the tax without regard to section 6 is less than $50 there is no increase in the tax for 1943 under section 6 (b) (2).

Example (5). For the calendar year 1942 C has a tax of $100, and for the calendar year 1943 he has a tax of $40 all of which represents victory tax. He has no credits for tax withheld at source in either of such years. The amount of the post war credit under the provisions of section 454 of the Internal Revenue Code is $10, none of which is claimed currently. The following figures set forth the tax of C and the effect produced through the application of section 6 (b):

1. Tax for 1943		$40
2. Increase under section 6 (b) (1): Tax for 1942	$100	
Tax for 1943 after application of post war credit of $10	30	
Excess of 1942 tax over 1943 tax		70
3. Total tax for 1943 ($10) of which will be credited or refunded after the war)		$110

Since the tax for 1943 without regard to section 6 is less than $50, there is no increase in such tax under section 6 (b) (2).

§ 36.3 *Additional increase in 1943 tax where income substantially increased*—(a) *General.* In addition to the increases in the tax under subsections (a) and (b) of section 6, treated in § 36.2 of this part, subsection (c) of section 6 makes provision for a further increase in the tax for the taxable year 1943 measured by (1) the excess of 75 percent of the tax for 1942 or 1943, whichever is the lesser, over (2) the tax which would have been determined for 1942 or 1943, as the case may be, had the surtax net income for such year consisted only of an amount equal to the surtax net income for the selected base year (computed in accordance with the law applicable to such year) plus $20,000. Thus, in effect the discharge of the tax for the taxable year 1942 or the taxable year 1943, as the case may be, is limited in such cases to the tax for 1942 or 1943 which would have resulted for such year had the surtax net income and the net income (after allowance of all credits against net income) for such taxable year consisted of an amount equal to the surtax net income for the base year plus $20,000. In no case shall the surtax net income for the base year be deemed to be less than zero. The base years, any one of which the taxpayer may select, are the taxable years 1937, 1938, 1939 and 1940. As in subsections (a) and (b) two situations exist under subsection (c), one in which the tax for 1942 is not in excess of the tax for 1943, the other in which the tax for 1942 is in excess of the tax for 1943.

In the determination of the tentative tax for the taxable year 1942 or 1943, whichever of such years is the measure of relief, the character of the income upon which such tentative tax is computed is ascertained by reference to the character of the income for the taxable year 1942 or the taxable year 1943, as the case may be. Thus, if the tax for the taxable year 1942 is not in excess of that for 1943 and the entire taxable income of the taxpayer for 1942 consists of earned income, the tentative tax will be computed upon a tentative income for such year consisting wholly of earned income. If on the other hand the income for the taxable year 1942 consists of two-thirds earned income and one-third long-term capital gain, the constructive income upon which the tentative tax is computed in such case would likewise be deemed to consist of two-thirds earned income and one-third long-term capital gain.

In computing the surtax net income for the base year the provisions of law relating to the determination of net income for such year shall apply and not those for 1942 or 1943 even though the surtax net income for the base year is used as a partial basis of the tentative tax for 1942 or 1943, as the case may be. Thus, capital losses may be deductible in the base year though an item of the same kind may not be allowable in 1942 or 1943. An item may, by reason of a change in the internal revenue laws or in the tax classification of the taxpayer, be includible in gross income for 1942 or 1943 though an item of the same kind may not be includible in the gross income for the base year, as for instance in the application of section 116 (a) of the Internal Revenue Code or corresponding provisions of prior revenue laws, relating to exclusions from gross income of earned income from sources without the United States.

Assuming that A sold in the base year, 1938, securities held for a period of two years or more and had a loss of $50,000 on the transaction, such loss was allowable in that year to the extent of $25,000. See sections 23 (q) and 117 (b), Revenue Act of 1938. He had in 1938 a salary of $35,000, constituting his sole income for such year, and no deductions. His net

income for 1938 is, therefore, $10,000 and assuming that A is married and has no dependents his surtax net income for such year is $7,500 ($10,000 minus $2,500 personal exemption). Assume further that in each of the years 1942 and 1943 A had as his sole income earned income of $50,000. Even though A's tax liability for 1938 may be determined by the application of the alternative method provided in section 117 (c) (2) of the Revenue Act of 1938, the surtax net income still remains for such year $7,500. Hence, the latter amount will be used as the basic amount to which to add $20,000 for the purpose of computing the tentative tax in the application of section 6 (c) (1).

In the computation of the tentative tax for 1943 where section 6 (c) (2) is applicable the victory tax shall be reduced by an amount equal to the amount of the post war credit under section 454 of the Internal Revenue Code determined as if the tentative tax constituted the tax for the taxable year 1943.

(b) *Tax for 1942 not greater than tax for 1943.* The first situation coming within the provisions of subsection (c) of section 6 exists if:

(1) The tax for the taxable year 1942 is discharged under subsection (a) of section 6; and

(2) The surtax net income for the base year selected by the taxpayer plus $20,000 is less than the surtax net income for the taxable year 1942.

In any case in which such factors exist, relief from the liability for the taxable year 1942 is limited to an amount equal to a tentative tax computed as if the portion of the surtax net income for that taxable year which is not greater than the sum of the surtax net income for the base year (1937, 1938, 1939, or 1940, as may be selected by the taxpayer) plus the sum of $20,000 constituted both the surtax net income and the net income for the taxable year 1942, after the allowance of all credits (personal exemption, credit for dependents, and earned income credit) against net income. The excess of 75 percent of the tax for 1942 (computed without regard to section 6, or interest or additions to the tax but after credit for tax paid at source under section 143 of the Internal Revenue Code) over the tentative tax thus computed is added to the tax otherwise determined for 1943. However, the increase thus brought about in the tax for the taxable year 1943 is not required to be included in the estimated tax of the taxpayer to be paid currently in 1943 but will first appear on the return of the taxpayer to be filed for the taxable year 1943.

The application of section 6 (c) (1) may be illustrated by the following examples:

Example (1). A, a citizen and resident of the United States, has a tax for the taxable year 1942 of $100,000 and his tax for the taxable year 1943 is $105,000 (the computation for both years being without regard to section 6, interest or additions to the tax and credit for tax withheld at source on wages). He had no interest from tax-free covenant bonds in either year. His surtax net income for 1937, the base year selected by A, is $40,000. The tentative tax liability for 1942 computed upon the sum of $40,000 plus $20,000 or $60,000, representing both the surtax net income and the net income for 1942 after the allowance of all credits against net income, is $33,440. Since his tax liability for 1942 is $100,000, 75 percent of such tax is $75,000 and the excess of $75,000 over $33,440 is $41,560. Such sum constitutes an additional increase in his tax liability for 1943. Under these facts the aggregate tax liability of A for the taxable year 1943 is as follows:

(a) Original tax liability	$105,000
(b) Increase in tax under section 6 (a) (25% of $100,000)	25,000
(c) Additional increase in tax under section 6 (c) (1)	41,560
Aggregate tax liability for 1943	171,560

Example (2). B's tax for 1942 (without regard to section 6, or interest or additions to the tax but after credit for tax paid at source under section 143 of the Internal Revenue Code) is $50,000, one-third of his income for such year consisting of earned income, one-third of interest and dividends, and one-third of net long-term capital gains taken into account in computing net income. His tax for 1943 (without regard to section 6, or interest or additions to the tax and tax withheld at source under sections 466 and 1622 of the Internal Revenue Code but after credit for tax paid at source under section 143 of the Internal Revenue Code) is $55,000. His surtax net income for 1938, the base year selected by B, was $10,000. The tentative tax for 1942 based upon $30,000 ($10,000 plus $20,000) is $15,348. In the computation of such tentative tax the sum of $12,000 is considered to represent earned income, $12,000 is considered to be interest and dividends, and $12,000 is considered to be net long-term capital gain. In the determination of the tax of $15,348 the provisions of section 117 (c) (2) of the Internal Revenue Code are applicable. The tax for 1942 is $50,000 and 75 percent of such tax is $37,500. In such case an additional increase in the tax liability for the taxable year 1943, resulting from the application of section 6 (c) (1), is $37,500 minus $15,348, or $22,152. Under these facts the aggregate tax liability for 1943 is as follows:

(a) Original tax liability	$55,000
(b) Increase due to section 6 (a) (25% of $50,000)	12,500
(c) Increase under section 6 (c) (1) as above	22,152
Aggregate tax liability for 1943	89,652

(c) *Tax for 1942 greater than 1943.* The second situation coming within the provisions of subsection (c) of section 6 exists when:

(1) The tax for the taxable year 1942 is discharged under subsection (b) of section 6; and

(2) The surtax net income for the base year selected by the taxpayer, plus $20,000, is less than the surtax net income for the taxable year 1943.

In any case in which these factors exist, relief from the liability for the taxable year 1942 is limited to an amount equal to a tentative tax for 1943 computed as if the portion of the surtax net income for such year, which is not greater than the surtax net income for the base year (1937, 1938, 1939 or 1940) plus $20,000, constituted both the surtax net income and the net income for the taxable year 1943 after the allowance of all credits (personal exemption, credit for dependents, and earned income credit) against net income. The excess of 75 percent of the tax for 1943 (computed without regard to section 6, interest or additions to the tax, and the credit for tax withheld on wages, but after credit for tax paid at source under section 143 of the Internal Revenue Code) over the tentative tax is added to the tax otherwise determined for 1943. However, the additional increase thus brought about in the tax for the taxable year 1943 is not required to be included in the estimated tax of the taxpayer reflected in the declaration of estimated tax to be filed by the taxpayer for 1943, but will first appear on the return of the taxpayer to be filed for the taxable year 1943.

The application of section 6 (c) (2) may be illustrated by the following example:

Example. Taxpayer A is married and has no dependents. His spouse has no income and files no returns for the taxable years 1942 and 1943. The taxes of A for the taxable years 1942 and 1943 (computed without regard to section 6, interest or additions to the tax, and credits for tax withheld at source on wages) are $105,000 and $75,000, respectively. The tax of $75,000 for 1943 includes victory tax in the amount of $2,500. The amount of the post war credit in respect of the victory tax is $1,000, no portion of which is claimed currently. A's highest surtax net income for any of the taxable years 1937 to 1940, inclusive, namely, for the taxable year 1938, is $25,000. In 1943, of his total gross income two-thirds represents earned income and one-third gain from the sale of capital assets taken into account in computing net income. In such case the tax of A for the taxable year 1943 will be increased, as set forth below, through the operation of subsection (b) (1) and (2) and subsection (c) (2) of section 6. The increase in such tax produced by the operation of section 6 (b) (1) and (2) is: $105,000 minus $74,000 ($75,000 minus post war credit of $1,000) or $31,000, which represents the excess of the tax for the taxable year 1942 over the tax for the taxable year 1943, plus 25 percent of the tax for the taxable year 1943, that is, 25 percent of $74,000, or $18,500, thus producing an aggregate increase under subsection (b) of $31,000 plus $18,500, or $49,500.

In the application of section 6 (c) (2) to the assumed facts, the surtax net income for the base year, namely, $25,000, when increased by the amount of $20,000, is $45,000. The tentative tax on such amount for the year 1943 is $21,620. The amount of the victory tax included therein is $900, representing gross victory tax of $1,500 minus $600, the amount of the post war credit applicable thereto ($1,000, or 40 percent of $1,500, whichever is the lesser). In the determination of such tax the gain from the sale of capital assets was eliminated in the computation of the victory tax, and section 117 (c) (2) of the Internal Revenue Code was applied in the computation of the income tax other than the victory tax. Since 75 percent of the 1943 tax (75 percent of $74,000) or $55,500, is in excess

of the tentative tax thus computed, the excess of $34,080 ($55,500 less $21,420) is added to the tax for the taxable year 1943. Thus the total amount added to the tax otherwise computed for the taxable year 1943 consists of the amount added through the operation of section 6 (b) (1), or $31,000; the amount added through the operation of section 6 (b) (2), or $18,500; and the amount added through the operation of section 6 (c) (2), or $34,080, or an aggregate increase of $83,580. Accordingly, the tax liability of A for the taxable year 1943 before the application of the credits for tax withheld at source on wages is $75,000 (tax before the application of section 6) plus $83,580 (aggregate increase under section 6) or a total of $158,580. This latter amount is, of course, the gross tax including the amount of $1,000 to be refunded or credited after the war as the post war credit or refund under the provisions of section 454.

§ 36.4 *Application of subsection (b) of section 6 relating to increase in tax for 1943 to taxpayers in military or naval forces of the United Nations.* Subsection (b) of section 6 provides that where the tax for the taxable year 1942 (computed as set forth in that subsection) is in excess of the tax for 1943 (similarly computed) the excess (computed as set forth in § 36.2 (b) of these regulations) shall be added to the tax otherwise determined for the taxable year 1943. The general rule thus stated is qualified by section 6 (d) (1), insofar as such excess arises from the inclusion in the net income for 1942 of earned net income, in the case of a taxpayer who is in active service in the military or naval forces of the United States or of any of the other United Nations at any time during the taxable year 1942 or 1943. In the case of such taxpayers the increase in the tax liability for 1943 otherwise resulting from the application of section 6 (b) (1) is reduced by that amount equivalent to the amount by which the tax under Chapter 1 of the Internal Revenue Code for the taxable year 1942 is increased because of the inclusion in the net income for the taxable year 1942 of the amount of earned net income of such taxpayer. As to what constitutes earned net income, see section 25 (a) (4) of the Internal Revenue Code. For example, the taxpayer entered the military service in 1943 and his salary for 1942 was $10,000 while his earned income, including his service pay, in 1943 amounted to $3,000, such items constituting his entire income for the respective years. The excess of the tax for 1942 over that for 1943 arises wholly by reason of the inclusion in the net income for 1942 of the earned net income for that year and there is no excess of the tax for 1942 to be added to the tax otherwise determined for 1943. If, however, the taxpayer's sole income for the taxable year 1942 consisted of investment income of $24,000, only $3,000 is considered earned net income under section 25 (a) (4) of the Internal Revenue Code. Hence, in determining the excess of the tax for the taxable year 1942 over that for 1943 for the purposes of section 6 (b) (1), there shall be excluded from the net income for 1942 only the amount of $3,000, and the tax for 1942 is determined upon the amount of $21,000. The excess thus determined is the addition to the tax for 1943 under section 6 (b) (1).

In making the recomputation of the tax for the taxable year 1942 after the elimination from the net income for that year of the amount of the earned net income, no credit for earned net income is allowable.

In the case of a taxpayer in the active service in the military or naval forces of the United States or of any of the other United Nations, the exclusion of earned net income from the tax base for 1942 under the provisions of section 6 (d) (1) is applicable only to the individual in such service and is not applicable to his spouse who is not in such service. If, therefore, in such case the husband and wife were domiciled in a State recognized as a community property State for Federal tax purposes and rendered separate income tax returns on the community income basis, each reporting thereon one-half of the earned income, the wife is not entitled to the benefit of the exclusion provided by section 6 (d) (1) with respect to her share of the community earned income. Thus, if her husband derived $20,000 earned income for 1942 as his only income for such year, entered the armed forces of the United States in 1943 in which year neither had any taxable income, her tax for 1943 will be increased under section 6 (b) (1) due to her having $10,000 income in 1942 representing her share of the community income, and section 6 (d) (1) has no application to her. Even though a joint return is filed for 1943 the increase in the tax for that year, representing the excess of tax for 1942 over that for 1943, will not be reduced by the amount of the increase resulting from the inclusion in income for 1942 of the wife's share, $10,000, of the earned income for that year, the wife not being in the military or naval forces.

If, in the case of husband and wife living together, separate returns are made for 1943, section 6 (d) (1) will have application only with respect to the husband and will have no application in the determination of the tax of the wife, regardless of whether a joint return was, or separate returns were, filed for 1942. If a joint return is filed by them for 1943, the tax for 1942 (whether computed upon the basis of a joint return or a separate return for that year) shall be reduced by excluding the earned net income of the husband only, for the taxable year 1942 for the purpose of determining the amount of the excess to be added to the 1943 tax.

The military and naval forces of the United States include (but are not necessarily limited to) the Army, the Navy, the Marine Corps, the Coast Guard, the Army Nurse Corps, female, the Navy Nurse Corps, female, the Women's Army Corps (the "WACS"), the Women's Reserve Branch of the Naval Reserve (the "WAVES"), the Women's Reserve Branch of the Coast Guard Reserve (the "SPARS"), and the Marine Corps Women's Reserve. The term "military or naval forces of any of the other United Nations" include any organization in the service of any one of such United Nations corresponding as nearly as may be to any of the enumerated organizations included in the military or naval forces of the United States.

§ 36.5 *Joint returns, husband and wife, increase in tax for 1943.* In any case in which a taxpayer and his spouse make a joint return for only one of the taxable years 1942 and 1943 and separate returns for the other year, the taxes of the spouses for the year in which separate returns are filed shall be aggregated for the purposes of determining whether the increases in the tax of the spouses for 1943 are to be computed under subsection (a) or subsection (b) of section 6 and whether the additional increase in the tax for the taxable year 1943 provided in subsection (c) of section 6 is applicable. If, for example, a joint return is filed for the taxable year 1942 and separate returns are filed for the taxable year 1943 and the aggregate of the taxes of the spouses (computed upon the basis of separate returns) for the taxable year 1943 is equal to or greater than the tax for the taxable year 1942 (computed upon the basis of a joint return) the increase in the tax for the taxable year 1943 shall be determined under subsection (a) of section 6. If the taxable year for which separate returns are filed by the spouses is the taxable year 1943, the increase in the tax liability for the taxable year 1943 produced by the application of subsection (a) or (b) or (c) of section 6 is the joint and several liability of the spouses and such increase may be divided between the spouses in any manner agreed upon between them but such division shall not affect such joint and several liability for payment of the increase.

For the purposes of the application of section 6, the manner of computing (whether it should be on the basis of a joint return or on the basis of separate returns) the surtax net income of the spouses for the base year shall be determined by the manner of computing (whether it should be on the basis of a joint return or on the basis of separate returns) the tax of the spouses for the taxable year 1942 (if section 6 (c) (1) is applicable), or for the taxable year 1943 (if section 6 (c) (2) is applicable). If, therefore, the year for which a joint return was filed was the taxable year 1942 (in any case within the scope of section 6 (c) (1)) or was the taxable year 1943 (in any case within the scope of section 6 (c) (2)) the surtax net income for the base year shall be computed upon the basis of a joint return regardless of whether a joint return was, or separate returns were, filed for such base year. The tentative tax for 1942 or for 1943, as the case may be, is in such case the tax computed upon an amount equal to the sum of the surtax net income for the base year determined on a joint return basis plus $20,000.

If the year for which separate returns were filed was the taxable year 1942 (in any case coming within the scope of section 6 (c) (1)) or was the taxable year 1943 (in any case coming within the scope of section 6 (c) (2)), the surtax net income for the base year shall be computed upon the basis of separate returns even though a joint return was filed for such base year. The tentative tax for the taxable year 1942 or the taxable year 1943, as the case may be, shall in such case be the aggregate of the tentative tax of each of the spouses (computed upon the separate surtax net income of each spouse plus $20,000).

If, however, separate returns were filed for both 1942 and 1943, the surtax net income for the base year shall be computed upon the basis of separate returns regardless of whether a joint return was, or separate returns were, filed for such year. If joint returns were filed for both 1942 and 1943, the surtax net income for the base year shall be computed on the basis of a joint return even though separate returns were filed for such year. For the purpose of section 6 (c), if a joint return is filed for either 1942 or 1943, the base year selected shall be the base year of both husband and wife.

If the spouses were not married to one another during the base year and a joint return was filed for either 1942 or 1943, the same rules shall apply as are applicable where a joint return is filed for 1942 or 1943 and the spouses are married to one another and living together in the base year.

In any case in which a joint return has been filed by husband and wife for the taxable year 1942 and in which one of the spouses dies in 1943, the tax liability of the surviving spouse for the taxable year 1943 and the tax of the deceased spouse for the taxable year ending with the date of death shall be aggregated for the purposes of section 6. The increase in the tax for 1943 resulting from the application of section 6 in such case may be divided between the surviving spouse and the executor or administrator of the deceased spouse in any manner which may be agreed upon by them, but such division shall not affect the joint and several liability for the amount of such increase. In such case, the rule provided in section 6 (f) with respect to the treatment of any payment on account of the tax for the taxable year 1942 made pursuant to a joint return shall likewise be applicable.

Example (1). A and his wife, B, filed a joint return for the taxable year 1942 and separate returns for the taxable year 1943. The tax for the taxable year 1942 (determined without regard to section 6, and interest and additions to the tax, but after credit for tax withheld at the source under section 143 of the Internal Revenue Code) computed on the basis of the joint return for such year was $60,000; the aggregate of the taxes of A and B (determined without regard to section 6, interest and additions to the tax, and credits against the tax under sections 466 (e) and 35 of the Internal Revenue Code, but after credit for tax withheld at source under section 143 of the Internal Revenue Code) computed on the basis of separate returns for the taxable year 1943 amounts to $50,000. A joint return was filed by A and B for the base year selected, 1938. In such case the surtax net income of A for 1938 and the surtax net income of B for the same year shall be computed upon a separate basis. The tentative tax for the taxable year 1943 shall be the aggregate of the tentative tax of each of the spouses for such year (computed at the rates applicable to the taxable year 1943 upon the separate surtax net income of each of the spouses for the base year plus $20,000). As thus determined the tentative tax of A is $17,500 and the tentative tax of B is $10,000, or an aggregate tentative tax for the taxable year 1943 of $27,500. Since 75 percent of the tax for the taxable year 1943 ($50,000) is $37,500 and the aggregate tentative tax for such taxable year is $27,500, the excess of $37,500 over $27,500, or $10,000, is the increase in the tax liability of A and B for the taxable year 1943 produced by the application of section 6 (c) (2).

Example (2). X and his wife, Y, filed a joint return for the taxable year 1942 and separate returns for the taxable year 1943. The tax for the taxable year 1942 (determined without regard to section 6, and interest and additions to the tax but after credit for tax withheld at the source under section 143 of the Internal Revenue Code) on the basis of the joint return was $60,000 and the aggregate of the separate taxes of X and Y (determined without regard to section 6, interest and additions to the tax and credits against the tax under sections 466 (e) and 35 of the Internal Revenue Code but after credit for tax withheld at the source under section 143 of the Internal Revenue Code) on the basis of separate returns for the taxable year 1943 was $75,000. Separate returns were filed by X and Y for the selected base year, 1937. In such case the surtax net income for the base year shall be computed on the basis of a joint return, and the tentative tax for the taxable year 1942 shall be computed upon the surtax net income of the base year thus computed plus $20,000. As thus determined the tentative tax for the taxable year 1942 is $25,000. Since 75 percent of the tax for the taxable year 1942 ($60,000) is $45,000, the excess of $45,000 over $25,000, or $20,000, is the increase in the tax liability of X and Y for the taxable year 1943 produced by the application of section 6 (c) (1).

§ 36.6 *Credit for foreign tax and application of sections 105, 106 and 107 of the Internal Revenue Code*—(a) *Foreign tax credit.* The credit for foreign taxes allowed by section 31 of the Internal Revenue Code shall be applied to the tax of each of the taxable years 1942 and 1943 before making the computations required by subsections (a), (b) and (c) of section 6. For example, in any case in which the taxpayer's tax for the year 1942 is not greater than the tax for 1943, in determining the amount of 25 percent of the tax for the taxable year 1942 by which the tax for the taxable year 1943 is to be increased under section 6, the credit for foreign tax, if any, is to be computed upon and applied to the tax for 1942 without regard to section 6. Where section 143 of the Internal Revenue Code is not involved, if the tax imposed for the taxable year 1942 before the application of the credit for foreign tax is $1,000 and the foreign tax properly applicable thereto is $280, leaving the net tax to be discharged for the taxable year 1942 as $720, the amount of increase in the tax for 1943 under section 6 (a) is 25 percent of $720, or $180.

If the tax for the taxable year 1943 (before the application of section 6) is $25,000 (including $3,000 victory tax) and such tax is increased by the amount of $5,000 by reason of the application of subsection (b) of section 6 and by $10,000 by reason of the application of subsection (c) (2) of section 6, the total tax for 1943 is $40,000. However, the tax by reference to which the amount of the credit for foreign tax is to be determined is the income tax for 1943 exclusive of the victory tax and the increases under section 6, or $22,000.

(b) *Application of sections 105, 106 and 107.* In any case in which section 105 of the Internal Revenue Code (relating to limitation upon the amount of the surtax where there is involved the sale of oil or gas property) or section 106 of the Internal Revenue Code (relating to the limitation upon the amount of the surtax where there are involved claims against the United States with respect to the acquisition of property) or section 107 of the Internal Revenue Code (relating to the limitation upon the amount of the tax with respect to compensation for personal services covering a period of 36 months or more) is applicable to either of the years 1942 or 1943, the tax liability for the respective years will first be determined by the application of such sections after which section 6 will be applied.

Thus, if the taxpayer realizes in 1942 net income attributable to the sale of oil or gas properties under facts bringing such sale within the scope of section 105 of the Internal Revenue Code with the result that the application of such section produces a lesser surtax than the surtax which would have been determined had no such section been in effect, the tax for the taxable year 1942 before the application of section 6 will be the tax after the application of section 105 of the Internal Revenue Code. Similarly, if the taxpayer derived in 1943 gross income as a result of a transaction coming within the scope of section 105 or section 106 of the Internal Revenue Code, the tax for such year must first be ascertained after application of these sections before there can be determined the increases in the tax for that year resulting from the application of section 6 (a), (b), and (c). However, in certain cases in which there is received or accrued in 1942 or 1943 compensation under facts making applicable section 107 of the Internal Revenue Code to such compensation, the specific provisions contained in section 6 (d) (4) must be applied.

§ 36.7 *Treatment of income attributed to base year under section 107 of the Internal Revenue Code.* Paragraph (3) of section 6 (d) provides that section 107 of the Internal Revenue Code (relating to compensation for services rendered over a period of 36 months or more and to gross income from artistic work or invention) is applied without regard to section 6. Hence, for example, a taxpayer who has received or accrued such compensation for 1943 determines his income tax (including the victory tax) for that year in the manner provided in

section 107 of the Internal Revenue Code, before the application of subsection (a), (b) or (c) of section 6. In the process of determining such tax, portions of such compensation are attributable to prior years and the limitation upon the increase in the tax for 1943 attributable to such compensation is determined by reference to the tax for the respective years computed upon the portion of such compensation allocable to such years. While all of such compensation is included in gross income for 1942 or 1943, as the case may be, a portion of such compensation may, through the operation of section 107 of the Internal Revenue Code, be attributed to a prior year constituting the base year of the taxpayer the surtax net income of which is used in determining the increase in the 1943 tax under section 6 (c). Thus, for example, a taxpayer selecting 1939 as his base year may receive in 1942 an amount of $72,000 representing remuneration for personal services covering a period of 36 months ending December 31, 1941. Under section 107 of the Internal Revenue Code, the amount is attributable, $24,000 per year, to the years 1939, 1940, and 1941.

If the tax on income received or accrued in 1942 or 1943 is limited by section 107 of the Internal Revenue Code, the applicability of section 6 (c) and the amount of the increase in tax thereunder shall be determined in the following manner:

(a) If such income is received or accrued in 1942, and the tax for 1942 (computed without regard to section 6, interest and additions to the tax, and credits for tax withheld at source) is not greater than that for 1943 similarly computed; or

(b) If such income is received or accrued in 1943, and the tax for 1942 is in excess of that for 1943, taxes for both years being computed as in (a), then that portion of the income received or accrued in 1942 (if (a) is applicable) or in 1943 (if (b) is applicable), which is attributed to the base year under section 107 of the Internal Revenue Code, shall be excluded in computing the surtax net income for 1942 or 1943, as the case may be, and shall be included in computing the surtax net income for the base year for the purpose of the comparison under subsection (c) to determine whether the surtax net income for the base year plus $20,000 is less than the surtax net income for 1942 or 1943, as the case may be. If, as a result of such comparison, it is determined that section 6 (c) is applicable, such income shall also be included in the surtax net income for the base year for the purpose of computing the tentative tax to be used as a measure for the increase in tax under subsection (c).

The application of section 6 (c) and (d) (4) may be illustrated by the following example:

Example. The tax liability of B for the taxable year 1942 (computed without regard to section 6, interest or additions to the tax, or credits for tax withheld at source) is $100,000, and his tax liability for the taxable year 1943 (similarly computed) is $125,000. Since the tax for 1942 thus computed is not greater than the tax for 1943, B's tax for 1942 is discharged under the provisions of section 6 (a). B's surtax net income computed under chapter 1 of the Internal Revenue Code for 1940, the base year selected by him, is $30,000. His surtax net income for 1942, including $10,000 attributable to 1940 for the purpose of section 107, is $150,000. Since the surtax net income for the base year for the purpose of the comparison under section 6 (c) is $60,000 ($30,000 plus $20,000 plus $10,000) and the surtax net income for 1942 (excluding the $10,000 attributed to 1940) is $140,000, section 6 (c) is applicable. The tentative tax for 1942, computed upon the amount of $60,000 considered as both the surtax net income and the net income for 1942 after the allowance of all credits against net income, is $33,440. Since B's tax liability for 1942 under the facts assumed as $100,000, 75 percent of such tax is $75,000, and the excess of $75,000 over $33,440 is $41,560. Accordingly, the amount of the increase in B's tax liability for the calendar year 1943 resulting from the application of section 6 (c) (1) and (d) (4) is $41,560.

§ 36.8 *Business formerly operated by corporation.* In the application of subsection (c) of section 6, relating to increase in the tax for 1943 in the case of a taxpayer having income for 1942 or 1943, as the case may be, substantially in excess of that derived by the taxpayer in his base year, the statute provides a special rule designed to establish a reasonable basis of comparison as between the taxable year 1942 or 1943 on the one hand and the base year on the other. Such special rule is applicable where:

(1) During the base year the taxpayer was a shareholder in a corporation; and

(2) As at a date prior to May 1, 1943, substantially all of the assets of such corporation were acquired by the taxpayer (or by a partnership of which the taxpayer was a member) pursuant to the complete liquidation of the corporation; and

(3) At all times after such liquidation throughout the taxable year 1942 (if section 6 (a) is applicable) or throughout the taxable year 1943 (if section 6 (b) is applicable) the trade or business of such corporation is carried on by such individual or partnership.

If such conditions exist during the taxable year 1942 or 1943, as the case may be, then such individual may, for the purpose of determining the increase in the tax for the taxable year 1943 resulting from the application of section 6 (c), compute his surtax net income for the base year by including therein his proportionate share of the earnings and profits of the corporation for the taxable year ending with or within the base year of the taxpayer. In case the business is operated by a partnership of which the taxpayer is a member, the taxpayer's distributive share of the hypothetical dividends is limited to his proportionate interest in the partnership during the taxable year 1942 or 1943, as the case may be, if such interest is proportionately less than his interest in the corporation. For the purposes of section 6 (d) (5) earnings and profits of the corporation for any base year are to be determined under section 115 of the Internal Revenue Code and the regulations thereunder. The trade or business carried on by the partnership or by the taxpayer as an individual must be substantially the same trade or business carried on by the corporation during the base year. If the business is operated by a partnership and more than one partner qualifies under section 6 (d) (5) the base year of any one of such partners need not necessarily be the base year of another partner or partners so qualified.

In any case in which the tax for the taxable year 1942 (determined without regard to section 6, interest or additions to the tax, and credits against the tax for amounts withheld at the source) is not greater than the tax for the taxable year beginning in 1943, similarly determined, then the taxpayer is entitled to the benefits of section 6 (d) (5) even though the business ceases subsequent to the close of the taxpayer's taxable year 1942 but prior to the close of the taxpayer's taxable year 1943 to be carried on by the taxpayer or by a partnership of which the taxpayer is a member. However, if the tax for the taxable year 1942, determined as set forth above, is greater than that for 1943, similarly determined, then the provisions of section 6 (d) (5) do not apply unless the trade or business previously carried on by the corporation is carried on by the taxpayer or by a partnership of which he is a member throughout the taxpayer's taxable year 1943.

§ 36.9 *Extension of time for payment of increase in 1943 tax*—(a) *The 25 percent increase under subsection (a) or (b) of section 6.* Under the provisions of section 6 (a) the tax for the taxable year 1943 is increased, in cases coming within the scope of that subsection, by 25 percent of the tax for the taxable year 1942, or by the excess of such tax for 1942 over $50, whichever is the lesser. Similarly under the provisions of section 6 (b) (2) the tax for the taxable year 1943 is increased, in cases coming within the scope of that subsection, by 25 percent of the tax for the taxable year 1943, or the excess of such tax over $50, whichever is the lesser (but not in excess of 25 percent of the tax for 1942 or the excess of such tax over $50, whichever is the lesser). Section 6 (e) (1) provides that the payment of one-half of whichever of such increases is applicable may be extended at the election of the taxpayer to a date not later than the 15th day of the 15th month after the close of the taxable year 1943. Thus, if subsection (a) is applicable and the taxpayer is on the calendar year basis and the tax for 1942 is $500, one-half of the amount of $125, representing one-half of 25 percent of the tax for such year, is due and payable on or before March 15, 1944, but payment of the remaining one-half may be postponed until March 15, 1945. Such extension also applies to a case in which the increase in the tax for the taxable year 1943 is measured by the excess of the tax for the taxable year 1942 or 1943 over the sum of $50. For example, if the tax for 1943 (without regard to section 6) is $100 and the tax for 1942 is $65 the payment of one-half of the excess of $65

over $50, or $7.50, may be extended as provided herein.

However, such extension is conditioned upon the taxpayer electing under regulations prescribed by the Commissioner, with the approval of the Secretary, to secure the benefits of such extension. The election provided by section 6 (e) (1) to extend, to a date not later than the 15th day of the 15th month following the close of the taxable year 1943, the time for the payment of the portion of the tax for the taxable year 1943 equal to one-half of the amount of the increase therein under section 6 (a) or (b) (2) shall be made at the time of filing the return for the taxable year 1943. Such election shall be made on the return and shall be conditioned upon the payment at such time of at least the tax shown on such return less: (1) the amounts withheld at source or otherwise paid; (2) the increase made therein under the provisions of section 6 (c); and (3) one-half of the increase made therein under section 6 (a) or (b) (2). The election made at the time and in the manner above provided shall, however, be subject to the furnishing of a bond (should it be requested) not exceeding the amount of the portion of the tax as to which the extension is applicable, with such surety or sureties as the Commissioner may deem necessary. If a bond is required, a request therefor shall be made by the Commissioner or by the collector acting for and in the name of the Commissioner. If the taxpayer is so notified that a bond is required and he fails to furnish the bond within the period fixed in the request therefor, or in an amendment thereto, then the election is not made in accordance with these regulations, and such tax and interest thereon at 6 percent shall be due and payable as though no election had been made under section 6 (e) (1).

If the taxpayer elects in accordance with the conditions prescribed to extend the time for the payment of such portion of the tax for the taxable year 1943, interest on the amount with respect to which the extension applies is not payable for the period of the extension. If, however, such amount is paid after the termination of such period, there shall be collected as part of the tax interest at the rate of 6 percent per annum for the period beginning with the date on which such payment is payable under the extension and ending with the date upon which it is paid.

A bond will be requested only in those cases where the Commissioner or the collector acting for the Commissioner believes that the collection of such tax will be jeopardized.

(b) *Increase in 1943 tax under subsection (c).* The election provided by section 6 (e) (2) to extend the time for the payment of the portion of the tax for the taxable year 1943 equal to the increase therein under section 6 (c) shall be made at the time of filing the return for the taxable year 1943. Such election shall be made on the return and shall be conditioned upon the payment at such time of at least the tax shown on such return less: (1) the amounts withheld or otherwise paid; (2) one-half of the increase made therein under the provisions of section 6 (a) or (b) (2); and (3) the increase made therein under the provisions of section 6 (c). The election made at the time and in the manner above provided shall, however, be subject to the furnishing of a bond (should it be requested) not exceeding the amount of the portion of the tax as to which the extension is applicable, with such surety or sureties, as the Commissioner may deem necessary. If a bond is required, a request therefor shall be made by the Commissioner, or by the collector acting for and in the name of the Commissioner. If the taxpayer is so notified that a bond is required and he fails to furnish the bond within the period fixed in the request therefor, or in an amendment thereto, then the election is not made in accordance with these regulations and such tax and interest thereon shall be payable as though no election had been made under section 6 (e) (2). If an election is made at the time and in the manner above provided, the increase in tax for the taxable year 1943 under section 6 (c) shall be paid in four equal installments, the first of which shall be paid on the 15th day of the 15th month following the close of the taxable year 1943 and of the remaining installments one shall be paid on the last day of each succeeding 12-month period, except that any installment may be paid prior to the date prescribed for its payment. If any installment is not paid on or before the date on which it is payable, it and the remaining installments shall be paid upon notice and demand from the collector. Interest on that part of the tax caused by section 6 (c) shall be paid at the rate of 4 percent per annum for the period beginning with the date prescribed for the payment of the tax for the taxable year 1943 (without regard to any extension granted) and ending with the date on which such installment is paid or the date on which it is payable as a result of the extension, whichever is the earlier. If any installment is not paid on or before the date on which it is payable as a result of the extension, interest on such installment at 6 percent per annum shall be paid for the period beginning with the date on which such installment is payable and ending on the date on which it is paid. For example, a taxpayer reporting income on the calendar year basis for 1943 and having an increase of $4,000 in the tax for such year by reason of section 6 (c) may elect to pay such portion of his tax in four installments of $1,000 each, one on or before March 15, 1945, one on or before March 15, 1946, one on or before March 15, 1947, and one on or before March 15, 1948, with interest on each installment computed at 4 percent per annum from March 15, 1944, to the date such installment is paid or the date such installment is payable as a result of the extension, whichever is the earlier. If such increase in tax is not paid when payable, then interest at 6 percent per annum shall be paid, computed from the date payable to the date paid.

A bond will be requested only in those cases where the Commissioner, or the collector acting for the Commissioner, believes that the collection of such tax will be jeopardized.

§ 36.10 *Treatment of payments on account of 1942 tax.* The Act discharged as of September 1, 1943, the tax liability for the taxable year 1942. However, taxpayers are not relieved of the liability for payment of any installment of the 1942 tax if such installment became due and payable before September 1, 1943, or if by reason of an extension granted by the Commissioner prior to September 1, 1943, such installment became due and payable on or after such date. In such case, such installments are collectible in accordance with the provisions of section 56 (b) of the Internal Revenue Code prior to its amendment by section 5 of the Act. If, however, by reason of section 3804 of the Internal Revenue Code installments of the 1942 tax do not become due and payable until on or after September 1, 1943, payment of such installments is not required. The Act also provides that any payment (other than interest and additions to the tax) made (regardless of the date of payment) on account of the tax imposed by chapter 1 of the Internal Revenue Code for the taxable year 1942 upon a taxpayer whose tax for such taxable year is discharged shall be considered as a payment on account of the estimated tax for the taxable year 1943. In the declaration of estimated tax required to be filed for 1943 no credit shall be taken for payments made on account of 1942 tax unless made on or before the date upon which such declaration is filed.

In any case in which a joint return has been filed by husband and wife for 1942, any payment made with respect to the tax shown on such return and considered as a payment on account of the estimated tax for 1943, may be treated as payment on account of the estimated tax for 1943 of either the husband or wife or may be divided between them in any manner they may choose. Thus, the husband and wife may agree that the wife shall take credit against her estimated tax for 1943 for the entire amount, or any portion thereof, paid with respect to the tax on the basis of the joint return filed for 1942 where, for example, the wife is required to file a declaration of estimated tax for 1943 on or before September 15, 1943 and the husband, due to the operation of section 3804 of the Internal Revenue Code and of Treasury Decision 5279, approved July 10, 1943, or Treasury Decision 5291, approved August 21, 1943, is not required to file a declaration as at such date. Any payment made in 1943 relating to a tax liability for a taxable year other than for the taxable year 1942 or 1943 will not be considered as a payment on account of the estimated tax for the taxable year 1943.

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 1, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-16102; Filed, October 2, 1943; 3:41 p. m.]

Subchapter C—Miscellaneous Excise Taxes

[T.D. 5301]

PART 113—DOCUMENTARY STAMP TAXES

ALTERNATIVE RULES APPLICABLE TO CLEARING HOUSES

Regulations 71 (1941 Edition) [Part 113, Title 26, Code of Federal Regulations, 1941 Sup.], relating to stamp taxes on issues and transfers of stocks and bonds, conveyances of realty, passage tickets, and foreign insurance policies, as amended, are further amended as follows:

PARAGRAPH 1. There is inserted at the end of § 113.41, the following new paragraph:

(c) *Alternative rules applicable to clearing houses.* A member of a securities exchange which is registered with the Securities and Exchange Commission as a national exchange may appoint in writing the clearing house for such exchange as his agent for the purpose of affixing the stamps required in respect of his transactions in stock. The privilege granted by this paragraph may be exercised only upon compliance with the following conditions:

(1) The member shall authorize and require the clearing house to affix the requisite stamps in respect of all transactions in stock, including rights to subscribe for or to receive stock, arising in the conduct of this business, irrespective of whether the stock is listed or unlisted, whether the transactions are clearable or not, and including transactions involving loans or borrowings of stock, and over-the-counter sales.

(2) The member shall make a daily report to the clearing house for each business day showing the total amount of tax payable on all his business transactions as specified in subparagraph (1) of this paragraph. The report shall be filed with the clearing house on the day on which the transactions covered thereby are due for settlement (blotter date).

(3) The member shall maintain complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stock as specified in subparagraph (1) of this paragraph, whether the transaction is taxable or not. In the case of taxable transactions, the daily record shall show the amount of tax payable in respect of each transaction. In the case of nontaxable transactions, the daily record shall disclose the basis on which exemption from the tax is claimed. Such daily records shall be kept in permanent form for a period of at least four years from the date of transaction, and must be available for ready inspection by internal-revenue officers. (See § 113.151.)

(4) The clearing house shall, on the day of receiving the report specified in subparagraph (2) of this paragraph, affix to the report and cancel stock transfer stamps aggregating in value the total amount of tax shown on the report. In lieu of affixing stamps to the reports submitted by each member who may have elected to exercise the privilege granted by this paragraph, the clearing house may prepare a daily summary statement showing the names of, and the total tax reported by, each such member, and affix to such summary statement and cancel stock transfer stamps aggregating in value the grand total of the amounts of tax reported by all such members. The daily reports received from its members, and the daily summary statement of the total tax shown on such reports (if one is made) shall be kept in permanent form by the clearing house for a period of at least four years from the date thereof, and must be available for ready inspection by internal-revenue officers. (See § 113.151.) After the termination of such four-year period, the daily reports and the summary statement shall be destroyed in the presence of an internal-revenue officer by the clearing house.

(5) The member shall make and deliver to the buyer the bill or memorandum required by § 113.37, except that in lieu of affixing stamps to such bill or memorandum, the member shall make an endorsement thereon substantially in the following form:

It is hereby certified that the Federal stamp tax applicable to this transaction has been paid through the _____
_____
(Insert name of clearing house)
on our behalf.
_____
(Member _____ Stock Exchange)

If so desired, the member may also make a similar endorsement on the certificates of stock covered by the bill or memorandum. In that event, the endorsement shall be in substantially the following form:

It is hereby certified that the Federal stamp tax applicable to the transfer of _____ shares of this certificate has been paid through _____
(Insert name of clearing house)
on our behalf.
_____ _____
(Date) (Member_____Stock Exchange)

The endorsement (including facsimile signature of the member) may be made on the bill or memorandum and on the accompanying certificate of stock by a hand-stamped impression, provided (i) the hand-stamp is held at all times in the custody of the person authorized to make such impression, and (ii) the records of the member contain sufficient information to establish the identity of the person so authorized.

PAR. 2. Section 113.70 is amended by changing the first sentence thereof to read as follows:

§ 113.70 *Stamps to be used.* Ordinary documentary stamps shall be used in connection with all sales and transfers of bonds, except that in any case where the tax is paid under the procedure relating to clearing houses as set forth in § 113.41 (b) and (c) and made applicable to bond transactions by § 113.71 (b), stock transfer stamps may be used in lieu of ordinary documentary stamps. * * *

PAR. 3. Section 113.71 (b) is amended by striking out "paragraph (b)" and inserting in lieu thereof "paragraphs (b) and (c)".

(Sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 3791))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 2, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-16200; Filed, October 4, 1943; 11:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 207]

STATE MONTHLY REPORT OF INDUCTIONS AND REJECTIONS

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 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:

Revision of DSS Form 275, entitled "State Monthly Report of Inductions and Rejections,"[1] effective immediately upon the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 275, the use of the former supply of DSS 275 will be discontinued and all unused copies will be disposed of.

The foregoing revision 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.

SEPTEMBER 18, 1943.

[F. R. Doc. 43-16040; Filed, October 1, 1943; 2:57 p. m.]

[No. 208]

REPORT OF SURVEY

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Service Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 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:

Addition of a new form designated as DSS Form 105, entitled "Report of Survey,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

[1] Form filed as part of the original document.

The foregoing addition 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.

SEPTEMBER 14, 1943.

[F. R. Doc. 43-16041; Filed, October 1, 1943; 2:57 p. m.]

[Amdt. 177]

PART 663—BOARDS OF TRANSFER IN TERRITORY OF HAWAII AND IN TERRITORY OF ALASKA

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); 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:

(a) Amend Part 663 to read as follows: Part 663—Boards of Transfer in Territory of Hawaii and in Territory of Alaska.

Sec.
663.1 Designation.
663.2 Duties of certain registrants.
663.3 Transfer for classification or induction and reference for final-type physical examination.

AUTHORITY: §§ 663.1 to 663.3, inclusive, issued under 54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.; E.O. 8545, 5 F.R. 3779; E.O. 9279, 7 F.R. 10177; Administrative Order No. 26, 7 F.R. 10512.

§ 663.1 *Designation.* The State Director of the Territory of Hawaii is authorized to designate one or more local boards in the Territory of Hawaii as boards of transfer and the State Director of the Territory of Alaska is authorized to designate one or more local boards in the Territory of Alaska as boards of transfer. Each local board so designated, in addition to its present name, shall also be known as "Board of Transfer No. _____."

§ 663.2 *Duties of certain registrants.* (a) It shall be the duty of every person between the ages of 18 and 45 registered with a local board outside the Territory of Hawaii who is in or hereafter enters the Territory of Hawaii and has remained or does remain therein for a period of 30 days to present himself at the office of such board of transfer as may be designated by the State Director of the Territory of Hawaii and complete the Report to Board of Transfer (Form 65).

(b) It shall be the duty of every person between the ages of 18 and 45 registered with a local board outside the Territory of Alaska who is in or hereafter enters the Territory of Alaska and has remained or does remain therein for a period of 30 days to present himself at the office of such board of transfer as may be designated by the State Director of the Territory of Alaska and complete the Report to Board of Transfer (Form 65).

(c) It shall be the duty of every person who has completed or who is obligated to complete the Report to Board of Transfer (Form 65) to:

(1) Receive and thereafter retain in his personal possession as long as he remains in the Territory of Hawaii or in the Territory of Alaska, except as provided in paragraph (c) (4) of this section, the portion of such Report to Board of Transfer (Form 65) entitled "Certificate of Board of Transfer"; and

(2) Keep his board of transfer advised at all times of the address in the Territory of Hawaii or the Territory of Alaska, as the case may be, where mail will reach him; and

(3) Exhibit such Certificate of Board of Transfer (Form 65) to the same persons and under the same circumstances that he is required by Part 663 to exhibit his Registration Certificate (Form 2); and

(4) Surrender such Certificate of Board of Transfer (Form 65) to the board of transfer which issued it within but not prior to 5 days before he leaves the Territory of Hawaii or the Territory of Alaska, as the case may be, with the intention of remaining absent therefrom for a period in excess of 30 days; and

(5) Appear in person before his local board of transfer or the member or members thereof designated for that purpose when directed to do so by such board of transfer; and

(6) Furnish such written or verbal information to his board of transfer as it may require concerning his classification, occupation or employment, marital status, or any other facts which are relevant to his classification or status. The local board of transfer may transmit any information so secured to the registrant's own local board.

(d) Each board of transfer shall maintain a separate file case wherein it shall file in alphabetical order each Report to Board of Transfer (Form 65) received by it.

§ 663.3 *Transfer for classification or induction and reference for final-type physical examination.* (a) Every Request for Transfer for Delivery (Form 154) executed by a registrant who is located in the Territory of Hawaii or in the Territory of Alaska shall be submitted for approval or disapproval to such board of transfer as may be designated by the State Director of the Territory of Hawaii or the State Director of the Territory of Alaska, as the case may be.

(b) Each registrant transferred to a local board in the Territory of Hawaii or in the Territory of Alaska for classification shall be classified by such board of transfer as may be designated by the State Director of the Territory of Hawaii or the State Director of the Territory of Alaska, as the case may be.

(c) Each registrant transferred to a local board in the Territory of Hawaii or in the Territory of Alaska for delivery for induction shall be processed for induction by such board of transfer as may be designated by the State Director of the Territory of Hawaii or by the State Director of the Territory of Alaska, as the case may be.

(d) Each registrant referred to a local board in the Territory of Hawaii or in the Territory of Alaska for final-type physical examination for Class IV-E registrants shall be processed for final-type physical examination by such board of transfer as may be designated by the State Director of the Territory of Hawaii or by the State Director of the Territory of Alaska, as the case may be.

(e) All files and documents of a registrant who is transferred for classification, delivery for induction, or referred for final-type physical examination for Class IV-E registrants to a local board in the Territory of Hawaii or in the Territory of Alaska shall be forwarded to the State Director of the Territory of Hawaii or the State Director of the Territory of Alaska, as the case may be, for transmission by him to such local board of transfer as he may designate.

(b) The foregoing amendment to the Selective Service Regulations shall be effective as of the first day of November, 1943.

LEWIS B. HERSHEY,
Director.

OCTOBER 1, 1943

[F. R. Doc. 43-16100; Filed, October 2, 1943; 4:01 p. m.]

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amdt. 108]

GENERAL REGULATIONS; GENERAL LICENSES; SHIPPING PRIORITY RATINGS

PART 801—GENERAL REGULATIONS

Subchapter B, Export Control, is hereby amended in the following particulars:

1. Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

a. The column headed "Shipping priority rating" is hereby deleted and in the column headed "General license group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Asbestos:		
Asbestos manufacture, n. e. s.	5459.93	
Cement sheets	5459.93	K
Other asbestos manufactures, n. e. s.	5459.93	62
Short fiber	5451.93	K
Asphalt:		
Asphalt and bitumen, natural, manufactures, including asphalt, cement, emulsion, and prepared road asphalt	5471.00	
Laminated board	5471.00	K
Other asphalt and bitumen, natural, manufactures, including asphalt, cement, emulsion, and prepared road asphalt	5471.00	62
Chemicals:		
Ammonia borate	8262.21	K
Borocite	8262.11	K
Borates, n. e. s.	8262.93	K
Borax (sodium tetraborate)	8262.29	K
Borax glass	8262.22	K
Boric acid	8263.00	K
Boron oxide	8262.23	K

Commodity	Department of Commerce No.	General license group
Chemicals—Continued.		
Boron sesquioxide	8362.25	K
Camphor, natural and synthetic	8329.95	
Camphor, synthetic	8329.95	K
Camphor, natural	8329.95	62
Caustic soda (sodium hydroxide)	8373.00	K
Colemanite	8362.12	K
Kernite	8362.13	K
Manganese borate	8362.26	K
Muriatic acid		
Nitrogenous organic waste materials (include fish meal, hoof meal, guano, castor-bean, pomace, manures, packing house offal, intended for fertilizer)	8510.00	K
Phosphate rock	8515.10, 8515.20, 8515.60, 8515.80	K
Priceite	8362.15	K
Rasorite	8362.16	K
Sassolite	8362.17	K
Sodium compounds, n. e. s.	8379.98	
Salt cake (sodium sulphate)	8379.98	K
Sodium silicofluoride	8379.98	K
Lye, in small containers	8379.98	K
Other sodium compounds, n. e. s.	8379.98	62
Soda ash (sodium carbonate)	8365.00	K
Sodium hydroxide (caustic soda)	8373.00	K
Sodium bicarbonate	8367.00	K
Sodium tetraborate (borax, sodium borate)	8362.29	K
Ulexite	8362.19	K
Witherite (natural barium carbonate)	8398.90	K
Clay and clay products:		
Clay, n. e. s. (include Fuller's earth)	5309.00	K
Cork and manufactures:		
Cork insulation	4306.00	K
Cork wood or bark unmanufactured (include cork waste, shavings, and refuse)	4300.00	K
Disks, washers, and wafers	4302.00	K
Manufactures of artificial, composition or compressed cork, n. e. s.:		
Block cork, expansion joint material, gaskets, grease containers, handle grips, paper, polishing wheels, rods, sheets, shoe insoles, and washers	4307.19	K
Other	4307.98	K
Manufactures of natural cork, n. e. s.:		
Balls, bobbers, buoys, clutch corks, cots, daubers, floats, gaskets, lame lifts, life preservers, paper, polishing wheels, swabs, corkwood bark, shavings, waste, & refuse	4309.50	K
Other	4309.98	K
Ferro-alloys:		
Ferro-alloys, other	6220.98	
Ferroboron	6220.98	K
Other ferro-alloys, n. e. s.	6220.98	62
Ferro-carbon-titanium	6220.95	K
Miscellaneous:		
Combs (except wholly of rubber or metal)	9827.00	K
Pipes, tobacco (of all materials)	9828.00	K
Smokers' articles, n. e. s. (report pocket cigar & cigarette lighters in 9620.00, 9626.00, & 9629.00)	9829.00	K
Umbrellas and parasols	9831.00	K
Musical instruments:		
Organs, pipe	9230.00	K
Organs, n. e. s.	9232.00	K
Pianos, new	9211.00	K
Pianos, used or rebuilt	9212.00	K
Phonographs, coin operated	9235.00	K
Phonographs, other	9236.00	K
Phonograph parts	9239.00	K
Phonograph records	9242.00	K
String instruments	9293.00	K
Musical instruments, other than string or band	9295.00	K
Musical instruments, parts and accessories, n. e. s.	9297.00	K
Nonmetallic minerals:		
Rock wool and other semi-rigid and "fill" mineral insulating materials	5490.00	
Mineral wool	5490.00	K
Rock wool and other semi-rigid and "fill" mineral insulating materials, n. e. s. include products manufactured from limestone, flint rock gypsum, slag, vermiculite, and similar materials)	5490.00	K
Office supplies:		
Writing ink	9321.00	K
Paper and paper products:		
Fiber insulation board	4736.00	K
Wall board of paper or pulp (other than hard board)	4738.00	K
Petroleum products:		
Naphtha, mineral spirits, solvents, and other finished light products	5019.00	
Aliphatic naphtha	5019.00	K
Other naphtha, mineral spirits, solvents, and other finished light products	5019.00	62
Pigments, paints, and varnishes:		
Carbon black, not furnace type	8423.00	K
Kalsomine, or cold-water paints, dry	8432.00	
Kalsomine	8432.00	K
Other cold-water paints, dry	8432.00	62
Other mineral-earth pigments	8405.00	
Whiting	8405.00	K
Other mineral-earth pigments (including barytes)	8405.00	62
Lead, red	8424.00	K
Lead, white, dry (basic lead carbonate)	8426.00	K
Lead, white, in oil	8427.00	K
Litharge	8425.00	K
Mineral earth pigments, dry; ocher umber, sienna, and other forms of iron oxide for paints	8401.00	K
Mineral earth pigments, other	8405.00	K
Orange mineral	8429.12	K
Sublimed lead, dry (basic lead sulfate)	8429.13	K
Wood manufactures:		
Other wood manufactures	4299.00	
Insulation board, granule surface and structural	4299.00	K
Sawdust	4299.00	K
Wood fiber	4299.00	K
Wood flour	4299.00	K
Other wood manufactures, n. e. s.	4299.00	None
Photographic and projection goods:		
Motion-picture film, exposed, negative features, 35 mm. (4,000 Lin. ft. or +).	9121.20, 9121.21	None
Motion-picture films, exposed, negative, features, 16 mm. (1,600 Lin. ft. or +).	9121.30, 9121.31	None
Motion-picture film, exposed, negative, short subjects, 35 mm. (less than 4,000 Lin. ft.).	9121.40, 9121.41	None
Motion-picture film, exposed, negative, short subjects, 16 mm. (less than 1,600 Lin. ft.).	9121.60, 9121.61	None
Motion-picture film, exposed, negative 8 mm.	9121.90, 9121.91	None
Motion-picture film, exposed, negative, newsreels.	9121.70, 9121.71	None
Motion-picture film, exposed, negative, sound track.	9122.00, 9122.01	None
Motion-picture film, exposed, negative, trailers, inserts, and replacements.	9121.80, 9121.81	None
Motion-picture film, exposed, positive, features, 35 mm. (400 Lin. ft. or +).	9123.20, 9123.21	None
Motion-picture film, exposed, positive, features, 16 mm. (1,600 Lin. ft. or +).	9123.30, 9123.31	None
Motion-picture film, exposed, positive, 8 mm.	9123.90, 9123.91	None
Motion-picture film, exposed, positive, newsreels.	9123.70, 9123.71	None
Motion-picture film, exposed, positive, short subjects (less than 4,000 Lin. ft.).	9123.40, 9123.41	None
Motion-picture film, exposed, positive, short subjects (less than 1,600 Lin. ft.).	9123.60, 9123.61	None
Motion-picture film, exposed, positive, sound track.	9124.00, 9124.01	None
Motion-picture film, exposed, positive, trailers, inserts, and replacements.	9123.80, 9123.81	None

b. Paragraphs (b) and (c) are hereby deleted and paragraph (c) is hereby designated as paragraph (b).

PART 802—GENERAL LICENSES

2. Part 802—General Licenses is hereby amended in the following particulars:

a. Paragraph (a) of § 802.3 *General license country groups* is hereby amended by deleting from the countries designated in Group V therein and by adding to the countries designated in Group K therein the following destinations:

Brazil	6
Chile	7
Colombia	8
Costa Rica	9
Dominican Republic	11
Ecuador	12
El Salvador	13
Guatemala	14
Haiti	15
Honduras	16
Nicaragua	18
Panama	19
Paraguay	20
Peru	21
Uruguay	23
Venezuela	24

b. Section 802.10 *General licenses which permit shipments not exceeding a specified value "GLV,"* is hereby amended in the following particulars:

Paragraph (a) is hereby amended by deleting between the words "the net value" and the words "of such commodities" the words "(net value is defined to mean the invoice price exclusive of shipping charges)" and by deleting from the list of commodities set forth therein the following:

Commodity:	*Dept. of Comm. No.*
Camphor (except natural)	8329.95
Cork	4302.00 thru 4309.98

Paragraph (b) is hereby amended by deleting between the words "the net value" and the words "of a single shipment" the words "(net value is defined to mean the invoice price exclusive of shipping charges)".

Paragraph (d) is hereby amended by deleting between the words "the net value" and the words "of such commodities" the words "(net value is defined to mean the invoice price exclusive of shipping charges)".

Paragraph (e) is hereby amended to read as follows:

(e) *Definitions.* When used in this section:

(1) "Net value" shall mean the actual selling price less shipping charges or the domestic market price at the time and place of shipment, whichever is the larger.

(2) "Single shipment" shall mean all commodities classified under a single Department of Commerce Schedule B Number which move at the same time from one exporter to one importer on the same exporting carrier.

3.-Paragraph (a) of § 808.3 *Space allocation for shipment of commodities weighing less than 2240* is hereby deleted.

PART 809—SHIPPING PRIORITY RATINGS

4. Part 809, Shipping Priority Ratings, is hereby deleted.

This amendment shall become effective October 1, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: October 1, 1943.

C. VICTOR BARRY,
Chief of Office, Office of Exports.

[F. R. Doc. 43-15973; Filed, October 1, 1943; 10:18 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-374, Amdt. 1]

PEERLESS ALLOY CO.

The Peerless Alloy Company has appealed from the provisions of Suspension Order S-374 issued July 29, 1943. The Chief Compliance Commissioner has reviewed this case and has received new evidence from which he has determined that Suspension Order S-374 would work too great a hardship upon the appellant's business. He has decided that the appeal should be denied, but that the suspension order should be modified so that it will expire at an earlier date than that originally set.

In view of the foregoing, paragraph (f) of Suspension Order S-374, issued July 29, 1943, is hereby amended to read as follows:

(f) This order shall take effect August 5, 1943 and shall expire on October 5, 1943.

Issued this 2d day of October 1943.

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

[F. R. Doc. 43-16071; Filed, October 2, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-375, Amdt. 1]

WENSLEY METAL PRODUCTS CO.

The Wensley Metal Products Company has appealed from the provisions of Suspension Order S-375 issued July 29, 1943. The Chief Compliance Commissioner has reviewed this case and has received new evidence from which he has determined that Suspension Order S-375 would work too great a hardship upon the appellant's business. He has decided that the appeal should be denied, but that the Suspension Order should be modified so that it will expire at an earlier date than that originally set.

In view of the foregoing, paragraph (f) of Suspension Order S-375, issued July 29, 1943, is hereby amended to read as follows:

(f) This order shall take effect August 5, 1943 and shall expire on October 5, 1943.

Issued this 2d day of October 1943.

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

[F. R. Doc. 43-16072; Filed, October 2, 1943; 11:32 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-197, as Amended October 2, 1943]

STEEL SHIPPING DRUMS

Section 3270.15 *Limitation Order L-197* is hereby amended to read as follows:

§ 3270.15 *Limitation Order L-197.*

Definitions

(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single-walled cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. It does not include cans, high or low pressure gas steel cylinders, or any container not usable commercially for transporting or storing commodities.

(2) "Used drum" means any drum which has been used for storage or shipping. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(3) "New drum" means any drum which is not a used drum, except rejects or seconds.

(4) "Reject or second" means any newly manufactured drum which cannot be used for the purpose for which it was intended due to some defect in it.

(5) "Manufacturer" means any person engaged in the business of manufacturing drums or metal parts of drums (other than flanges, plugs or cap seals) for sale to others or for his own use.

(6) "User" means any person who packs a product in drums for storage, sale, or delivery.

Restrictions on Use of Drums

(b) *Restrictions.* No person shall unless otherwise specifically authorized by the War Production Board on Form WPB 3233.

(1) Use any drum for packing any product which he did not pack in drums before September 14, 1942.

(2) Pack in a drum any product listed without an asterisk in Schedule A.

(3) Pack in a new drum or in a reject or second any product listed with a single asterisk in Schedule A.

(c) *General exceptions.* (1) Nothing in this order shall apply to the use of drums for storage purposes by any person having less than 5 drums in use for all purposes.

(2) The restrictions specified in paragraph (b) of this order shall not apply to:

(i) Drums constructed wholly of heavier than 14 gauge steel;

(ii) Used drums constructed wholly of lighter than 23 gauge steel having a capacity of 25 gallons or more.

(iii) Drums which are used for the sale and delivery of commodities to (*a*) the Army or Navy of the United States, (*b*) the Maritime Commission, (*c*) the Panama Canal, (*d*) the War Shipping Administration, (*e*) any agency of the United States Government, for the account of any foreign country, under the provisions of the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the U. S." (Lend-Lease Act), (*f*) any person receiving a license from the Office of Economic Warfare for the export of any product packed in drums to the extent of the license granted, or (*g*) such other Governmental agency as the War Production Board may designate:

(iv) Drums which are used for the sale or delivery of commodities which are to be physically incorporated into ships, guns, tanks, military vehicles, aircraft, ammunition, armament, weapons, gunsighting devices, and camouflage, radio and sound equipment.

(v) Drums used for packing commodities which are required for maintenance, repair or operating supplies for ships.

Restrictions on Deliveries and Receipts of New Drums and Rejects and Seconds

(d) *Restrictions.* (1) No manufacturer shall sell or deliver any new drum or any metal part (other than flanges, plugs, or cap seals) unless he receives an authorization of the War Production Board provided for in paragraph (f) (1).

(2) No person shall accept delivery of any new drum or any metal part (other than flanges, plugs, or cap seals) if he knows or has reason to believe that the delivery of such drum is prohibited by the terms of this order.

(3) No manufacturer shall use any new drum or any metal part (other than flanges, plugs, or cap seals), except as specifically authorized by the War Production Board upon application under paragraph (f) (1).

(4) No manufacturer shall use for his own purposes, or sell or deliver to anyone other than the Army, Navy, Maritime Commission or War Shipping Administration, any rejects or seconds in excess of ½ of 1% of his monthly production of new steel drums except on authorization of the War Production Board upon application under paragraph (f) (2).

Restrictions on Sale and Delivery of Used Drums

(e) *Restrictions.* (1) No person shall sell or deliver any empty drum which was packed with an edible product the last time it was used, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing inedible products.

(2) No person shall sell or deliver any empty drum which was packed with a naval store product the last time it was used, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing anything other than naval stores products. Naval stores products as used in this paragraph means those materials which are directly derived from the oleo-resinous secretions of various species of coniferous trees; the term includes resins and liquid terpenes, both crude and refined, special materials derived from these, and such related products as tall oil and pine tars.

Authorization Requests for Drums

(f) *Procedure for obtaining authorizations of the War Production Board.* (1) The authorization of the War Production Board required by paragraph (b) and subparagraphs (1) and (3) of paragraph (d) may be applied for by the purchaser or user, on Form WPB 3233.

(2) The authorization of the War Production Board for the sale and delivery of rejects or seconds required by paragraph (d) (4) may be applied for:

(i) By the user on Form WPB 3233.

(ii) By the manufacturer when the sale is to a person other than a user by letter setting forth (*a*) the quantity, size, gauge, and type of closure, (*b*) if rejected by the purchaser, the name of the purchaser, contract numbers and the reasons for rejection.

(3) The War Production Board may

(i) In any particular case waive or request additional information called for by Form WPB 3233, in considering such applications;

(ii) In cases of urgency, accept telegraphic application for authorization and grant authorization by telegram.

Preference Ratings

(g) *Assignment.* The War Production Board may assign a preference rating to each application which has been authorized.

(h) *Use of other ratings.* No rating shall be applied, extended or given effect to obtain delivery of drums or parts except the rating shown on Form WPB 3233 or a rating which has been specifically assigned by the Army, Navy, or Aircraft Resources Control Office for direct purchases by them of drums or parts. However, on or before October 23, 1943, the manufacturer shall honor any rating assigned specifically for the delivery of drums or parts, where the authorization for the drums or parts is made on Form PD-835.

Miscellaneous Provisions

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

(j) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-197.

NOTE: Form WPB 3233 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of October 1943.

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

SCHEDULE A

As provided by subparagraph (2) and (3) of paragraph (b) products listed below without an asterisk may not be packed in any steel drum and products listed below with a single asterisk may not be packed in new drums or in rejects or seconds.

1. Acid succinic
2. Alcohol, specially denatured (except anhydrous grades and the following formulas: #13A, #19, #20, #32, and #42)
3. Aluminum sulphate
4. Ammonia alum
5. Ammonium bicarbonate
6. Ammonium chloride
7. Ammonium nitrate, dry
8. *Asphalt, including mineral-filled, cutbacks, emulsions and road oils
9. Balsam Copaiba
10. Bath salts
11. Bird seed
12. Boiler compounds, dry
13. *Boiler feed water treatment material, liquid
14. Borax
15. Boric acid
16. Calcimine
17. Calcium carbonate
18. Calcium chloride
19. Calcium hydroxide
20. Calcium oxide
21. Casein paints, dry
22. Caulking compounds
23. Cement paint, dry
24. Charcoal
25. Citric acid
26. Colors, inorganic, dry
27. *Compounds, solid and semi-solid with a melting point of 65° F. or above, used in cooking, including mixtures of lard and hydrogenated oils, but not limited to these mixtures
28. Copper oxide
29. Copper sulphate, basic
30. Dairy products
31. Di ammonium phosphate
32. Di calcium phosphate
33. Di sodium phosphate
34. *Dry dyestuffs
35. *Dry lead oxide
36. Fatty acids (having a melting point of higher than 42° C)
37. *Floor wax
38. *Floor scalers
39. Flour
40. Food products, cold pack and frozen
41. Formaldehyde
42. Fruit juices
43. Fruits—brine
44. Fruits and peels, glace
45. Furniture polish
46. *Fuse powder, black sporting powder, "A" blasting powder, and all other potassium nitrate black powder.
47. Gelatin
48. *Glazing material or putty
49. Glue, dry (animal and vegetable)
50. *Greases, animal and vegetable
51. *Greases, petroleum, solid and semi-solid (with ASTM penetration of 300 and less)
52. Hexamethylenetetramine
53. *Hydrogenated oils with a melting point of 65° F. or above, including but not limited to shortening
54. Indigo paste
55. *Inorganic salts, aqueous solutions
56. Jelly, jam and preserves
57. Kraut
58. *Lanolin and wool grease
59. *Lard
60. *Lead oxides in paste
61. Lime
62. *Lime sulphur solution
63. Linseed Oil meal
64. Lithopone
65. Magnesium chloride, $6H_2O$
66. Magnesium oxide
67. Marmalade
68. Meats
69. Molasses
70. Mono calcium phosphate
71. Mono ammonium phosphate
72. Mono sodium phosphate
73. *Oils, animal, fish, marine, animal vegetable (except fish livers, vitamin oils derived from fish or fish livers or grain)
74. Oil crude, petroleum
75. *Oils, steam cylinder, both compounded and uncompounded
76. Olives
77. Paints, dry powder, including but not limited to those bound with glue, soya protein casein and cement
78. *Paints, oil, oil or resin emulsion or oleoresinous type including but not limited to white lead in oil, colors in oils and oil stain
79. Paints, paste, water type, except resin or oil emulsion type (the vehicle of this type of product shall contain at least 5% water)
80. Paradichlorobenzene
81. Paraffin wax (except microcrystalline)
82. *Paste cutting compounds
83. *Paste drawing compounds
84. *Paste grinding compounds (except abrasive finishing or lapping compound)
85. Paste, wall paper
86. Patching plaster
87. Pectin
88. *Petrolatum (except for medicinal use)
89. Pickles
90. *Pine tar
91. *Pitch or tar including mineral filled, cut backs, emulsions and road oils (except fatty acid pitch and stearine pitch)
92. Potash alum
93. Potassium bicarbonate
94. Potassium carbonate
95. *Printing inks (except aniline or spirit inks and rotogravure inks)
96. *Rust preventative
97. Sand
98. Scouring cakes and powder
99. Shellac
100. *Shock absorber fluid
101. Silicate of soda, dry ortho silicate meta silicate, sesqui, or mixtures thereof
102. *Silicate of soda, liquid
103. Soda alum
104. Soap, dry
105. *Soaps, liquid or paste
106. *Soaps, metallic
107. Soda ash
108. Sodium acid pyro phosphate
109. Sodium aluminate
110. Sodium bisulfate
111. Sodium bicarbonate
112. Sodium chloride
113. Sodium hexameta phosphate
114. *Sodium lactate
115. Sodium metaborate
116. Sodium nitrate
117. Sodium nitrite
118. Sodium perborate
119. Sodium sequicarbonate
120. Sodium tetra phosphate
121. Sodium tetra pyro phosphate
122. Starches, dry
123. Sweeping compounds
124. Syrup, corn
125. *Syrup, mixed and unmixed (except corn syrup)
126. *Tallow
127. Tri calcium phosphate
128. Tri sodium phosphate
129. *Turpentine
130. *Varnish and varnish stain, except liquid water-soluble phenolic resins and sanitary coatings for lining food containers
131. Vegetables—brine
132. Vinegar
133. Water
134. Wax, except floor wax
135. *Wood preservatives
136. Zeolite.

[F. R. Doc. 43-16073; Filed, October 2, 1943; 11:32 a. m.]

PART 3270—CONTAINERS

[Revocation of General Preference Order M-255]

NEW STEEL SHIPPING DRUMS

Section 3270.17 *General Preference Order M-255* is hereby revoked as it is being incorporated in Limitation Order L-197 as amended October 2, 1943.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-255.

Issued this 2d day of October 1943.

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

[F. R. Doc. 43-16075; Filed, October 2, 1943; 11:32 a. m.]

PART 3294—IRON AND STEEL PRODUCTION[1]

[Supplementary Order M-110-a, as Amended October 2, 1943]

MOLYBDENUM

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

§ 3294.51[1] *Supplementary Order M-110-a*—(a) *Small deliveries.* Notwithstanding any provision of General Preference Order M-110 as amended, any person who has not applied for an allocation of molybdenum for any calendar month may accept deliveries of molybdenum in quantities not exceeding a total of 500 pounds (contained molybdenum) from all sources of supply in such month, and any person may make such deliveries: *Provided,* Such molybdenum is not to be used in the production of wire, rods, sheets or metallic powder and is to be used in the production of other material to fill authorized controlled material orders or orders rated AA-5 or higher. No person shall be required to file Form WPB-765 (formerly Form PD-360) or Form WPB-763 (formerly Form PD-359) or obtain any allocation or special authorization in writing from the War Production Board in order to receive the deliveries permitted by this Supplementary Order.

(b) *Melting.* Any person other than a producer (of iron or steel products) as defined in Supplementary Order M-21-a may melt not to exceed 500 pounds of contained molybdenum in any calendar month without filing Form WPB-1770 (formerly Form PD-707) or obtaining any specific authorization, notwithstanding the restrictions of paragraph (c) (3) of General Preference Order M-110. However, any person who files Form WPB-1770 (formerly Form PD-707) in order to secure permission to melt chromium or nickel, must show his expected use of molybdenum as part of the composition, and is governed by the decision of the War Production Board (conveyed on PDL-1035) as to the quantity of molybdenum he may melt.

Issued this 2d day of October 1943.

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

[F. R. Doc. 43-16074; Filed, October 2, 1943; 11:32 a. m.]

[1] Formerly Part 1133, § 1133.2.

PART 982—MINES AND SMELTERS

[Interpretation 1 of Preference Rating Order P-56, as Amended]

APPLICABILITY TO CUTTING AND POLISHING OPERATIONS AT THE QUARRY

The following interpretation is issued with respect to Preference Rating Order P-56, as amended:

The term "producer" as defined in Preference Rating Order P-56 includes persons operating a quarry and also persons conducting further cutting and polishing operations at the quarry site, such as the manufacture of building stone and tombstones. These latter operations are included in the phrase "preparation for shipment, of the products of mining activity" appearing in paragraph (a) (1) (§ 982.1) of the order.

Since paragraph (c) of the order forbids "producers" from obtaining any materials under CMP Regulation 5, producers of tombstones or other stone products at the quarry site may not operate under this regulation but must get priorities assistance exclusively under Order P-56.

The manufacture of tombstones or other stone products at a separate plant away from the quarry is not covered by Order P-56, and persons engaged in this business may use the AA-5 rating which is assigned under CMP Regulation 5 to unlisted business.

Issued this 27th day of September 1943.

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

[F. R. Doc. 43-15712; Filed, September 27, 1943; 11:46 a. m.]

PART 933—COPPER

[Conservation Order M-9-c as Amended Oct. 4, 1943]

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

§ 933.4 *Conservation Order M-9-c.* (a) *Restrictions on manufacture of articles appearing on combined list.* No manufacturer of any article on the combined list attached, or of parts (including repair parts[1]) for any such article, may, if such article or parts contain copper products, or copper base alloy products, continue their manufacture by means of processing, assembling or finishing.

(b) *Restrictions on manufacture of articles not appearing on combined list out of inventory on hand on June 30, 1942.* (1) A manufacturer of any article omitted from the combined list or excepted from that list, or of parts (including repair parts[1]) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing:

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after June 30, 1942; or

(ii) Unless such articles or parts are being manufactured to fill a purchase order, existing or prospective,[2] bearing a preference rating of AA-5 or higher or, in the case of a controlled materials producer under the Controlled Materials Plan, to fill an authorized controlled material order; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized in writing by the War Production Board, pursuant to an application on Form WPB-940 (formerly Form PD-426), or otherwise, to manufacture the article or parts in question with the copper products or copper base alloy products being used.

(2) The provisions of paragraph (b) (1) shall not apply to a manufacturer assembling a completed fractional horsepower electric motor into machinery of any kind omitted from the combined list or excepted from that list. The provisions of paragraph (b) (1) shall also not apply to the manufacturing of any machinery omitted from the Combined List or excepted from that list, or of parts (including repair parts) for such machinery, if the only copper products or copper base alloy products used which were in the inventory of the manufacturer on June 30, 1942 are bushings, bearings, nuts, bolts, screws, washers, and wire weighing in the aggregate less than 5% of the total weight of the article or part.

(c) *General restrictions on manufacture and plating.* (1) No manufacturer may continue the manufacture of any article or parts (including repair parts) if such article or parts are to contain copper products or copper base alloy products where the use of any less scarce material[3] is practicable. Furthermore, no manufacturer may continue the manufacture of any article or parts (including repair parts) if they are to contain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) (i) The use of copper products or copper base alloy products for plating

[1] See also paragraph (f) (3) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

[2] Priorities Regulation No. 1, § 944.14, prohibits the manufacture of more than a practicable minimum working inventory of articles or parts to fill prospective orders.

[3] The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply."

any article on the combined list or for plating any parts (including repair parts) of such an article, is prohibited unless such plating is expressly stated in the list to be permissible.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the combined list or excepted from that list, and the plating of parts (including repair parts) for such an article, is permitted provided that:

(*a*) Such plating is not for decorative purposes, or part of a decoration, or an undercoating for lead or silver plating (however, a copper strike may be used as an undercoating for silver when silver is used as a substitute for cadmium in electroplating); and

(*b*) The use of, or the normal wear on, such article or parts would make impracticable any other form of coating.

(d) *Restrictions on deliveries to manufacturers.* No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order.

(e) *General restrictions on deliveries.* The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34), as amended from time to time.

(f) *Exceptions* (1) *Applicability of order to certain Governmental agencies.* The provisions of this order shall not apply to the use of copper products or copper base alloy products in the manufacture of any article on the "Military Exemption List", or part therefor, which is being produced for purchase by, or for the account of, or for use by, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Coast Guard, where the use of copper products or copper base alloy products to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Coast Guard applicable to the contract, subcontract or purchase order.

(2) *Installation.* The provisions of this order shall not apply to the installation of any article or part (including a repair part) for the ultimate consumer on his premises when any manufacturing of such article or part is incidental to the installation and is done on the consumer's premises. This exception does not, however, in any way affect or modify the provisions of Supplementary Conservation Order M-9-c-4 (restricting the installation of certain types of copper and copper base alloy pipe, tube, fittings, plumbing fixture fittings and trim, and building materials) or of any other order restricting installation.

(3) *Repair.* The restrictions of this order (other than those contained in paragraph (c)) shall not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and when all manufacturing done by him is with knowledge of the particular used article to be repaired. The restrictions of this order (other than those contained in paragraph (c)) shall also not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, even if the manufacturer of the parts or the person making the repair uses copper products or copper base alloy products weighing in the aggregate more than two pounds, when (i) the copper scrap or copper base alloy scrap derived from the article being repaired weighs within one pound of the copper product or copper base alloy product used, (ii) all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M-9-b and (iii) all manufacturing done is with knowledge of the particular used article to be repaired.

(g) *Special products; restrictions and exceptions.* (1) *Printing and Publishing Industries.* After October 3, 1943, the provisions of this order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping, and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste, and bronze leaf is controlled by Supplementary Conservation Order M-9-c-3. All other uses in those industries of copper products, copper base alloy products, copper scrap, and copper base alloy scrap are governed by Conservation Order M-339. Nothing contained in this paragraph (g) (1) shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products under paragraph (a) and the Combined List of this order.

(2) *Insect screening.* The provisions of this order shall not restrict the delivery, installation or cutting of used or second-hand insect screening or of insect screening in rolls of less than 25 feet in length. However, no person shall deliver, install, or cut any other copper or copper base alloy insect screening (i) unless such screening is to be delivered to, installed for or cut on the order of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense Plant Corporation); or (ii) unless such delivery, installation, or cutting shall be with the specific authorization of the War Production Board. Applications for specific authorizations shall be made by letter addressed to the War Production Board, Copper Division, Washington 25, D. C. Reference: M-9-c. Nothing contained in this paragraph (g) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening with copper products or copper base alloy products under paragraph (a) and the Combined List. (See the item "insect screening" under the heading "Miscellaneous" on the combined list).

(3) *Copper products not controlled by order.* The provisions of this order shall not apply to the manufacture of the following articles and parts (including repair parts) even though they contain copper products, or copper base alloy products, since these articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order M-9-c-1.

Fire protective equipment governed by General Limitation Order L-39.

Motorized fire apparatus governed by General Limitation Order L-43.

Bronze paste, bronze ink, and bronze leaf, and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M-9-c-3.

Jewelry governed by Supplementary Conservation Order M-9-c-2.

Musical instruments governed by Supplementary Limitation Order L-37-a.

Water meters governed by Schedule I of Limitation Order L-154.

(4) *Attachment and assembly work.* (i) The provisions of this order do not apply to attaching finished slide fasteners, hook and eyes, brassiere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress cottons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to the manufacture, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

(ii) The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy. The provisions of this order do, however, apply to the manufacture, processing and finishing of watch and clock cases and of all other parts of watches and clocks and to assembling watches and clocks except

as specifically exempted in this paragraph.

(h) *Definitions.* For the purposes of this order:

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

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

(3) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(5) "Manufacturer" means a person who manufactures, processes, assembles, or finishes. "Manufacture" includes processing, assembling, and finishing.

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

(2) *Appeal.* Any appeal from the provisions of paragraphs (a) or (c) of this order shall be made by filing Form WPB-1477 (formerly PD-500 revised) with the War Production Board, Washington 25, D. C., Reference: M-9-c. Relief granted pursuant to an appeal under this order shall remain in effect despite any amendment to this order, unless the grant of relief is specifically revoked or modified by the War Production Board.

(3) *Communications.* Any reports required to be filed under this order and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington 25, D. C., Reference: M-9-c.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply irrespective of whether the articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the manufacture of any articles or parts, the limitation of such other order shall be observed.

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

Issued this 4th day of October 1943.

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

COMBINED LIST

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (c) of this order.

AUTOMOTIVE, TRAILER [1] AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L-100 governing the use of copper and copper base alloy in the manufacture of automotive parts entering into the production of, or as replacement parts for, passenger automobiles, motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles and Order L-170-a governing the use of copper and copper base alloy in the manufacture of certain farm tractors and engine power units for farm machinery.

Ambulance hardware (for locks, see under the heading "Miscellaneous" on this list).
Automotive maintenance equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-270).
Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Heaters (except when the only copper products or copper base alloy products used are (i) for parts necessary for conducting electricity, or (ii) for water courses and tanks of radiators if made of copper base alloy containing not more than 71% of copper).
Hearse hardware (for locks see under the heading "Miscellaneous" on this list).
Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Hub and gas-tank caps.
Lights, lamps, headlamps and accessories (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity and for plating reflectors as provided by the item "Reflectors * * *" on this list under the heading "Miscellaneous").
Miscellaneous fittings and trim.
Motorcycles (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Motor-driven power cycles as defined in Order L-301 (except when the only copper products or copper base alloy products used are for parts necessary for generating and conducting electricity, or for carburetors, clutch facings or repair parts).
Mouldings.
Rear-view mirrors and hardware.

[1] See also under "Passenger Transportation Equipment" on this List.

BUILDING SUPPLIES AND HARDWARE

(Excluding supplies and hardware for ships, boats and aircraft)

Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-126 and the schedules thereto and when the production of the equipment is permitted under the terms of Order L-38, either because the order therefor is an "authorized order" under L-38 or otherwise).
Blinds, including fixture fittings and trimmings.
Builders' finishing hardware, including hinges (except in those parts of plants where the use of non-sparking metal is necessary to prevent a hazard in the production, use or storage of explosives and except when the only copper products or copper base alloy products used are permitted by the terms of paragraph (g) of Schedule I of Order L-236). For locks see under the heading "Miscellaneous" on this list.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring for hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Conduits.
Decorative hardware—including house numbers.
Door knockers, checks, pulls, and stops.
Doors, door and window frames, sills and parts, including door handles and knobs.
Elevators and escalators (except when the only copper products or copper base alloy products used are for bearings, worm gears and parts necessary for conducting electricity).
Expansion bolts and caulking anchors.
Gravel stops and snow-guards.
Grilles.
Gutters, leaders, downspouts, expansion joints, and accessories thereto.
Hangers and tracks for private garages.
Incinerator hardware and fittings.
Letter boxes and mail chutes.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conduction of electricity).
Linoleum stripping.
Ornamental metal work.
Pile butt protection.
Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions, solder nipples and ferrules and except for all such pipe, tube, tubing and fittings for use in chlorine gas equipment).
Plumbing and heating supplies:
- Bands on pipe covering.
- Cistern and low-water floats.
- Hot water heaters, tanks, and coils (except when the only copper products or copper base alloy products used are permitted by the terms of Orders L-185 and L-65).
- Pipe, tube, tubing and fittings for piping systems.
- Plumbing fixture fittings and trim (except when the only copper products or copper base alloy products used are permitted by the terms of Schedules V and XII of Order L-42 or any schedules or orders taking their place, or are permitted by a specific authorization of the War Production Board granted pursuant to such a schedule or order).

Push, kick, switch, floor, and all other device plates.
Roof, roofing, roofing nails, flashing valleys, and other roofing items.

Sash balances.
Sheet, roll, and strip for building construction.
Shelves.
Stair and threshold treads.
Termite shields.
Terazzo strips, reglets, and mouldings.
Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity).
Ventilators and skylights.
Water containers for humidification.
Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware. See also Order L-64.
Memorial tablets.
Morticians' supplies.
(See also the item "Boxes, * * *" under the heading "Miscellaneous" on this list.)

CLOTHING AND DRESS ACCESSORIES

(See also Order L-68)

Dress ornaments.
Handbag fittings.
Insignia.
Metal cloths.
(See also the item "Slide fasteners * * *" under the heading "Miscellaneous" on this list.)

FURNISHINGS AND EQUIPMENT

Andirons, screens, and fireplace fittings.
Candlesticks.
Cooking and table utensils.
Counters.
Curtain fasteners, rods and rings.
Cuspidors.
Fans (See the item "Fans * * *" under the heading "Miscellaneous" on this list).
Furniture.
Furniture hardware (for locks, see under the heading "Miscellaneous" on this list).
Gas heater and stove installation connections.
Hollow-ware.
Mud scrapers.
Portable heaters (except repair parts for electric portable heaters when the only copper product or copper base alloy products used are permitted by the terms of Order L-65).
Shower curtains.
Stoves and ranges for household cooking use, gas (except when each valve contains not more than ½ oz. of copper base alloy and each control contains not more than 1½ oz. of copper base alloy and the stove or range contains no other copper or copper base alloy whatever; or except when the stove contains no copper or copper base alloy whatever other than 1½ oz. of copper base alloy in each control and the copper base alloy contained in any valves which either were finished prior to August 7, 1942, or which were or will be finished subsequent to that date pursuant to the granting of an appeal to a valve manufacturer).
Stoves and ranges other than gas stoves and ranges for household cooking use (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity).
Timers, for stoves and ranges.
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors and similar items.

INDUSTRIAL MACHINERY

Pulp and paper manufacturing:
Beater bars and beaters.
Head boxes for jordans, paper machines or any other use for regulating stock flow.
Bars and fillings for jordans, refiners or any similar equipment used in the preparation of paper stock.
Saveallis, filters, washers, deckers or any similar equipment (except for screens).
Stock and water lines, including shower pipes.

JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to:
Advertising specialties.
Atomizers (see also this list under "Miscellaneous").
Bar fittings.
Book ends.
Cosmetic containers.
Lighters.
Napkin rings.
Picture frames.
Smokers' accessories, including ash trays.
Souvenirs.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and equipment".
Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-126 and the schedules thereto and when the production of the equipment is permitted under the terms of Order L-38, either because the order therefor is an "authorized order" under Order L-38 or otherwise).
Bands on pipe covering.
Decorative, general, and finish hardware, and ornamental metal work (for locks, see under the heading "Miscellaneous" on this List).
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Pipe, tube, tubing, and fitting for plumbing and heating (except for essential repairs).
Shower rods, heads and pans.
Sinks and drainboards.
Screening.
Towel and luggage racks.
Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting Fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and studs used with overhead trolley line material.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L-39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrel hoops.
Badges.
Bar and counter equipment and fittings.
Barber shop equipment and supplies.
Barrel hooks.
Bathroom accessories.
Beauty parlor equipment and supplies (except for repair and replacement parts of commercial permanent wave equipment and commercial hair driers, when the only copper products or copper base alloy products used are permitted by the terms of Order L-65.
Beverage dispensing units and parts thereof (except for self-contained drinking water coolers as defined in Schedule I of Order L-126 or under any schedule of Order L-38).
Bicycles, and similar vehicles (See also Order L-52).
Binoculars, including opera glasses.
Bird and pet cages and stands.
Blow torches, gasoline, kerosene and alcohol (except when the only copper products or copper base alloy products used are for the pump barrel, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block).
Bottle coolers.
Boxes, cans, jars and other containers.
Branding, marking, and labeling devices and stock for same (except where the devices and the stock are for affixing governmental, notarial and corporate seals). See also the item "Stencils * * *" on this list.
Brushes (except for the types used in electric motors and generators; and except for industrial brushes used for (a) applications requiring non-sparking characteristics, (b) burring of needles, (c) the manufacture of precision gauges, or (d) the manufacture of combat end-products complete for tactical operations (including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, and vehicles), when prescribed for field or combat use by the Army or Navy of the United States, or when prescribed for field or combat use by the Army or Navy of any foreign country, and (e) except for drawing, spacing, or binding wire for other industrial brushes where copper or copper base alloy wire is essential to the efficient performance of the brush). The term "drawing, spacing, or binding wire" does not include "stapling wire."
Cabinets.
Canes.
Carpet rods.
Cash registers.
Change making, coin counting and sorting machines.
Chimes and bells (except for any bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, and except for bells for use on board ship when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Clips.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock and watch cases.
Clothes line pulleys and reels and scrubbing boards.

Cooking utensils (except for commercial processing machinery when the only copper products or copper base alloy products used are permitted by the terms of Order L-292 or by a specific authorization of the War Production Board granted pursuant to such order).
Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, heat exchangers, bearings, and worm gears for speed reducers).
Cutlery, including pocket knives.
Daubers for shoe polish.
Dishwashing machines (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-248 or by a specific authorization of the War Production Board granted pursuant to such order) and domestic garbage grinders.
Dispensers, hand, for hand lotions, paper products, soap and straws.
Dog collars and other similar harness and equipment for pets.
Domestic ice refrigerators as defined in Order L-7.
Domestic laundry equipment as defined in Order L-6 (except that copper products or copper base alloy products may be used in the assembly of new domestic laundry equipment when such assembly is specifically authorized by the War Production Board under Order L-6; and except that copper products or copper base alloy products may be used in the production of repair and replacement parts for domestic laundry equipment to the extent permitted by the terms of Order L-6).
Domestic mechanical refrigerators as defined in Order L-5.
Domestic vacuum cleaners as defined in Order L-18.
Electric blankets.
Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display purposes.
Electrical appliances, as defined in Order L-65 (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-65).
Electrolytic devices for the removal and prevention of scale in boilers and condensers.
Flashlights and lanterns powered by dry cell batteries (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For other lanterns, see the item "Lanterns * * *" on this list.
Fans, electric, as defined in Order L-176 (except when the only copper products or copper base alloy products used are permitted by the terms of Order L-176 or by a specific authorization of the War Production Board granted pursuant to such order).
Floats for liquid level control.
Flower pots, boxes and holders for same.
Flower shears.
Food dispensing utensils, devices and machines.
Fountain pens.
Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V and XII of Order L-42).
Furniture grommets.
Games as defined in Order L-81.
Garden tools and equipment.
Hair curlers, hair brushes and combs, shoe horns and button hooks.
Hand saw screws, nuts and washers for attaching saw blades to the handle.
Hammers, including mallets.
Health supplies, except the following:
Acoustic aids,
Anaesthesia apparatus and supplies,
Atomizers (medical use only),
Diagnostic equipment and supplies,
Hypodermic syringes and needles,
Infant incubators,
Instruments,
Laboratory equipment and supplies,
Medicinal chemicals (limited to medical use only),
Operating room supplies and equipment,
Ophthalmic products and instruments,
Physical therapy equipment (limited to medical use only),
Respirators, resuscitators and iron lungs,
Rubber hospital sundries,
Splints and fracture equipment,
Sterilizers, blanket and solution warmers,
Surgical and orthopaedic appliances (including artificial limbs and arms but not including arch supports),
Sutures and suture needles, and
X-ray equipment and supplies.
Hooks, including hat and coat hooks.
Ice cream freezers for use in the home.
Insect screening.
Kitchen utensils, devices and machines other than electrical appliances. For electrical appliances see the item "Electrical appliances * * *" on this list.
Kitchen and miscellaneous household articles.
Lace tips.
Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity), including fittings.
Lamps, electric (except for non-portable lamps for use in hospitals or in industry, otherwise than in offices, and then only when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Lamps, other than electric (except for industrial, hospital or office use and then only when the only copper products or copper base alloy products used are for valves, controls, and wicks).
Lanterns (except those powered by dry cell batteries, covered by the item "Flashlights * * *" on this list).
Lawn sprinklers, mowers, seeders and rollers.
Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For lighting fixtures in a building see "Lighting fixtures" under the heading "Building Supplies and Hardware" on this list.
Livestock and poultry equipment (except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and thermostats other than wafer thermostats, and for plating wafer thermostats).
Locks (except pin tumbler and disc tumbler cylinder assemblies; essential interior working parts of mortise locks, rim locks, dead locks and night latches; levers, tubes and centers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; keys for pin tumbler and disc tumbler locks; postal locks when manufactured by the Mail and Equipment Section of the United States Post Office; and except when the only copper products or copper base alloy products used are permitted by the terms of paragraph (g) of Schedule I of Order L-236).
Loose-leaf binders.
Luggage fittings, trim and hardware.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Medals, including decorations.
Mirrors.
Motion picture and projection equipment ((i) except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions and (ii) except for motion picture and projection equipment of the types the production and distribution of which is regulated by Order L-267).
Name, identification, instruction and data plates.
Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Paint (except for ship bottoms).
Pari-mutuel, gambling and gaming machines, devices and accessories.
Pencils, mechanical.
Phonographs or other record players.
Photographic equipment and accessories ((i) except document copying machines and equipment therefor for business purposes and for use by the U. S. Post Office; (ii) except for X-ray equipment; and (iii) except for photographic equipment and accessories of the types the production and distribution of which is regulated by Order L-267).
Pins.
Pleasure boat fastenings, fittings, hardware, and motors.
Pole-line hardware.
Powder, except for non-decorative uses.
Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers or scrapings from old rollers).
Putty and scraping knives.
Radio receiving sets and vacuum tubes (except when their manufacture is permitted by the terms of Order L-265).
Razors operated by electricity (except for repair parts).
Reclaimers for heating water.
Reflectors (except that copper or copper base alloy products may be used for electroplating glass reflectors in connection with silvering when the reflectors are to be used in street and highway illumination or in traffic signals, flood lights, searchlights, locomotive headlamps, hospital operating room lights, and airport lighting equipment as defined by Order L-235, or for electroplating on steel reflectors for searchlights, flood lights, airport lighting equipment as defined by Order L-235, and automotive headlamps of types other than sealed beam headlamps).
Refrigerator display cases.
Saddlery hardware and harness fittings.
Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L-190.)
Screens and points for oil wells and water wells ((i) except for public and industrial water supply systems and installations and (ii) except for agricultural water supply systems when the only copper products or copper base alloy products used is used fourdrinier wire screening.)
Seismograph loading pole couplings.
Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.

Signs, including street signs. (See also Order L-29.)
Slide fasteners, hooks and eyes, brassiere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, garter trimmings, hose supporters, personal hardware, pin fasteners, slides, and trouser trimmings; except as may be permitted by the terms of Order L-114 and eyelets, loops, staples, rivets, burrs and tacks for use on wearing apparel, except as may be permitted by the terms of Order L-114.
Slot, game and vending machines, including parking meters.
Soda fountain equipment (except for repair and replacement parts manufactured in conformity with the inventory restrictions of Order L-38).
Sound equipment attachments for motion picture projection machines (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions).
Sporting goods, and fishing and hunting equipment and supplies, except fishing equipment and supplies for commercial fishing use.
Staples for fastening cartons and containers.
Stationery supplies:
Desk accessories. (See also Order L-73.)
Office supplies. (See also Order L-73.)
Pencils. (See also Order L-227.)
Pens and penholders.
Statues.
Stencils, adjustable and otherwise (except for hand cut stencils for marking shipments).
Sundials.
Table flatware (except for a copper-silver strike).
Telescopes.
Tent poles and parts.
Thermos jugs and bottles.
Tokens.
Toys.
Tying devices for laundry.
Unions and union fittings (except seats and except for other parts of unions and union fittings where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fitting makes the use of any other material dangerous or impractical). (See also Order L-288.)
Umbrellas.
Valve handles.
Valves over 2-inch size (except seats, discs, stems, yoke sleeves, yoke bushings, stem bearings and packing glands, and except for other parts of such valves (i) where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical or (ii) where and to the extent permitted by the terms of Order L-252 or by a specific authorization of the War Production Board granted pursuant to that order).
Voting machines.
Weather vanes.
Weight reducing and exercising machines.
Wool.

MILITARY EXEMPTION LIST

Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.
Binoculars.
Blow torches, gasoline, kerosene and alcohol (parts other than tanks, only).
Boxes, cans, jars and other containers (for radio and communications equipment and for powder charges).
Buttons and insignia for military uniforms when and to the extent that their manufacture is specifically authorized in writing by the War Production Board.
Carbonated beverage dispensing units and soda fountain equipment for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
Conduits and pipe (for radio and electrical communications equipment).
Chronometer and watch cases.
Decorations as defined in Army and Navy Regulations when produced to fill purchase orders rated AA-3 or higher only.
Electric blankets.
Field ranges and ski stoves.
Fishing equipment and supplies for use on life boats and rafts.
Floats for liquid level control (for use in aircraft and on board ship).
Furniture hardware (for use within magnetic circle on board ship).
Hammers, including mallets.
Hoists, for handling powder, projectiles and explosives (for use on board ship).
Hot water heater coils for hospital, laundry and bakery projects.
Instruction and data plates of wrought material of a gauge of 1/32nd of an inch or less (for use in aircraft and on board ship).
Instruction and data plates from cast material of a gauge of 3/32nd of an inch or less (for use on board ship but only if and to the extent specified by the specifications, other than performance specifications, of the governmental agency acquiring the plate).
Kitchen utensils' devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts).
Ladders and stairs, for use in gasoline storage spaces on board ship (treads, only).
Lanterns, gasoline (generators, valves and controls, only).
Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Lighting equipment and accessories for use in aircraft, on board ship and for use in lighting aids for marine or aerial navigation, and for searchlights.
Locks and latches (for use on board ship) and padlocks (for use where non-sparking metal is necessary to prevent a hazard from explosives).
Mirrors, when they are to be installed on board ship and the only copper product or copper base alloy product used is for coating the backing of the mirror to a thickness not in excess of .0015 inch.
Motion picture and projection equipment.
Paint (for ship bottoms and flying boat hull bottoms).
Phonographs and other record players being produced on a rating of AA-3 or higher.
Photographic equipment and accessories.
Pins for hinges (for use on board ship).
Prescription scales (health supplies).
Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).
Screens and points for water wells.
Shells and caps for electric sockets (for use in aircraft and on board ship).
Slide fasteners and tack buttons for use on jungle clothing and equipment, flying suits and Navy flying boots; (ii) sew-on, machine attached or riveted snap fasteners, buckles, eyelets, staples, rivets and burrs for use on jungle clothing and equipment, and for use on leather, canvas, webbing, duck, coated fabrics and special fabrics for field clothing and equipment being produced on a rating of AA-3 or higher; and (iii) springs for snap fasteners for any use.
Sound equipment attachments for motion picture projection machines.
Telescopes.
Unions and union fittings (for use on board ship).
Valve handles (for use within magnetic circle on board ship).
Valves (for use on board ship).
Valves of vacuum type, up to 3 inches.

[F. R. Doc. 43-16191; Filed, October 4, 1943; 11:51 a. m.]

PART 962—IRON AND STEEL

[Direction 1 to Supplementary Order M-21-a]

REJECTED CORROSION AND HEAT RESISTANT ALLOY STEEL

The following direction is issued pursuant to Supplementary Order M-21-a to all steel producers engaged in melting corrosion resistant or heat resistant alloy steel having a chromium content of 4 per cent or more. With respect to such producers, this direction supersedes the instructions contained in Direction 16 to CMP Regulation No. 1.

(1) A producer must report immediately to the Alloy Steel Branch, Steel Division, War Production Board, any such steel which cannot be applied to an order previously approved for melting on Form WPB-2933, due to deviation from specifications or for any other reason, with a statement explaining why such steel cannot be applied to such an order. A producer must not apply such steel to any order not approved for melting on Form WPB-2933, except when specifically authorized in writing by the War Production Board.

(2) A producer must not melt a replacement heat of any such steel except when specifically authorized in writing by the War Production Board.

Issued this 4th day of October 1943.

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

[F. R. Doc. 43-16192; Filed, October 4, 1943; 11:51 a. m.]

PART 1038—GRAPHITE

[Conservation Order M-61 as Amended Oct. 4, 1943]

§ 1038.1 *Conservation Order M-61*—(a) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first change by a person in the form of material from that form in which it is received by him.

(2) "Strategic graphite" means natural crystalline graphite (in flake, lump or chip form) that will stand on a No. 50 mesh screen, U. S. Sieve Series, unless such graphite has been determined in writing by the War Production Board to be unsuitable for use in manufacturing a crucible.

(3) A "crucible" means a refractory vessel used for the purpose of melting, holding, pouring or distilling metals or metallic compounds.

(4) "Jobber" means a person in the United States or Canada who does not manufacture but regularly stocks crucibles for distribution to others.

(b) *Restrictions on use of strategic graphite.* No person shall put into process for any purpose any strategic graphite, except pursuant to the specific authorization of the War Production Board.

(c) *Restrictions on delivery of crucibles containing strategic graphite.* (1) No person shall, without the specific authorization in writing of the War Production Board, deliver any crucible containing strategic graphite to any person other than a jobber, and no person other than a jobber shall, without the specific authorization in writing of the War Production Board, accept delivery of any such crucible.

(2) [Deleted, Oct. 4, 1943].

(d) *Restrictions on delivery of strategic graphite.* No person shall deliver, and no person other than Metals Reserve Company shall accept delivery of any strategic graphite, except pursuant to the specific authorization of the War Production Board.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to the putting into process of strategic graphite when such graphite is to be physically incorporated into any item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, if in any such case the use of strategic graphite to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any item if its manufacture was exempted under the provisions of this paragraph.

(f) *Applications for specific authorization.* (1) Any person other than a jobber seeking specific authorization from the War Production Board to accept delivery of any crucibles containing strategic graphite, shall apply periodically on Form WPB-1335 to the War Production Board for authority to do so and also for authority for his supplier to deliver such crucibles. This form must be filed with the War Production Board by the 20th day of the month prior to the first month in which any delivery of such crucibles is sought, except that in an emergency this form may be filed at any time.

(2) Any person seeking specific authorization from the War Production Board to accept delivery of any strategic graphite to be used for the purpose of making crucibles or seeking specific authorization to put any strategic graphite into process for the purpose of manufacturing crucibles, shall apply monthly on Form WPB-623 (formerly PD-303b) to the War Production Board for authority to do so and also for authority for a supplier to make any deliveries of such graphite which the applicant is authorized to receive.

(3) Any person seeking specific authorization of the War Production Board to put into process strategic graphite for the purpose of manufacturing any article other than a crucible shall apply quarterly for such authority by letter. If need be he shall also apply in the same letter for authority to acquire strategic graphite for the purpose of manufacturing such an article. The letter shall deal separately with three classes of articles other than crucibles, to wit: (i) specialties, other than crucibles, used in the process of melting, holding, pouring and distilling metals or metallic compounds, (ii) packings and lubricants, and (iii) all articles other than crucibles and those described in (i) and (ii). Such letter shall also state the quantity of each type of strategic graphite which the person writing it desires to put into process during the quarter covered by the application in the manufacture of the types of articles he wishes to make, and, if he desires to acquire strategic graphite to make such articles, he shall name his supplier, and the quantity and type of strategic graphite he wishes to acquire as well as the desired delivery date thereof.

(g) *Reports.* All persons having in their possession or processing strategic graphite, shall file with the War Production Board, on or before the 15th of each month following the month for which the report is made, on Form WPB-624 (formerly PD-303A), a report showing inventory, purchases, sales and consumption of such graphite and crucibles manufactured therewith.

(h) *Miscellaneous provisions*—(1) *Determination that graphite is non-strategic.* Any person who wishes to have a lot of graphite in his possession or the product of a particular graphite mine determined in writing by the War Production Board to be unsuitable for use in manufacturing a crucible, and, as a result, not subject to the provisions of this order, shall apply for such a determination by letter to the War Production Board, Mica-Graphite Division, Washington 25, D. C., Ref: M-61. The letter should state the pertinent facts and at the same time the applicant should file a sample of the graphite in question. In the event the declaration applied for is made, the applicant may furnish persons to whom any of the graphite described in the declaration is delivered with copies thereof, so that they may be advised that the graphite covered by the declaration is not subject to the provisions of this order.

(2) *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.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the putting into process of material in all articles manufactured and to deliveries of articles or material made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to February 17, 1942. Insofar as any other order of the Office of Production Management or the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of strategic graphite or the delivery of any products made therewith, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Mica-Graphite Division, Washington 25, D. C., Ref.: M-61.

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

Issued this 4th day of October 1943.

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

[F. R. Doc. 43-16195; Filed, October 4, 1943; 11:59 a. m.]

PART 3148—INDUSTRIAL TYPE INSTRUMENTS

[Revocation of General Limitation Order L-234]

Section 3148.1 *General Limitation Order L-234* is hereby revoked.

Issued this 4th day of October 1943.

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

[F. R. Doc. 43-16196; Filed, October 4, 1943; 11:50 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended October 4, 1943]

Par.
(a) Purpose and scope.
(b) Definitions.
(c) General allotment procedure.
(d) Bills of materials, applications for allotments and other information serving as basis for allotments.
(e) Responsibility for statements of requirements, including those of secondary consumers, duty to correct overstatements.
(f) Forms in which controlled materials are allotted.
(g) Allotments by consumers.
(h) Methods of allotment.
(i) Method of cancelling or reducing allotments.
(j) Assignment of allotments.
(k) Grouping of allotments and authorized production schedules by major programs.
(k-1) Special provisions regarding Class A products sold to distributors or as maintenance, repair or operating supplies.
(l) Placing of orders for Class A products requiring small quantities of controlled material, without making allotments.
(m) Relationship between allotments and authorized production schedules.
(n) Manner of authorizing production schedules.
(o) Compliance with authorized production schedules.
(p) Protection of production schedules for Class A products.
(q) Reconciliation of conflicting schedules.
(r) Alternative procedure for simultaneous allotments.
(s) Placement of orders with controlled materials producers.
(s-1) General restriction on placement of authorized controlled material orders.
(t) Controlled materials producers.
(u) Restrictions on use of allotments of materials or products obtained by allotments.
(v) Adjustments on account of controlled materials or Class A products obtained without use of allotments.
(w) Adjustments for changes in requirements.
(x) Other War Production Board regulations and orders.
(y) Records and reports.
(z) Appeals and applications for relief.
(aa) Penalties.

§ 3175.1 *CMP Regulation 1*—(a) *Purpose and scope.* The purpose of this regulation is to define the rights and obligations under the Controlled Materials Plan of persons outside of the Claimant Agencies and the War Production Board. This regulation and other CMP regulations to be issued from time to time implement the "Controlled Materials Plan" which was published by the War Production Board, for informational purposes only, under date of November 2, 1942. In case of any inconsistency between such publication (or any other descriptive literature which may be published from time to time) and any CMP regulation, the provisions of the CMP regulation shall govern. Other CMP regulations contain, or will contain, provisions regarding such matters as inventory restrictions, preference ratings, warehouses, dealers, maintenance, repair and operating supplies, construction and facilities, and reports.

(b) *Definitions.* The following definitions shall apply for the purposes of this regulation and for the purposes of any other CMP regulation unless otherwise indicated:

(1) "Controlled material" means steel—both carbon (including wrought iron) and alloy—copper (including copper base alloys) and aluminum, in each case only in the forms and shapes indicated in Schedule I attached.

(2) "Controlled Materials Division" means the Steel Division, the Copper Division or the Aluminum Division of the War Production Board.

(3) "Industry Division" means the Division, Bureau, or other unit of the War Production Board which is charged with supervision over the operations of a particular industry. The term also includes any other government agency which, by arrangement with the War Production Board, may perform similar functions with respect to a particular industry.

(4) "Claimant Agency" means the following government offices and such others as may be designated from time to time. (Identifying symbols are indicated in parentheses.)

War Department (W)—except Ordnance which is identified by the symbol (O).
Navy Department (N).
Maritime Commission (M).
Aircraft Resources Control Office (agent for Army Air Forces and Bureau of Aeronautics of United States Navy (C).
Office of Lend-Lease Administration (L).
Office of Economic Warfare (E).
Office of Civilian Requirements (S).
Department of Agriculture (A).
Office of Defense Transportation (T).
Office of Rubber Director (R).
Petroleum Administration for War (P).
National Housing Agency (H).
Office of War Utilities Director (U).

The symbol (F) will be used by several Claimant Agencies to identify certain construction programs; the symbols (B), (G), (J) and (K) will be used to identify certain B product programs; the symbol (D) will be used to identify certain programs covering items destined for the Dominion of Canada; the symbol (V) will be used by the Office of Civilian Requirements in certain cases; the symbol (SO) will be used to identify small orders as defined in paragraph (l) and the symbol (RO) will be used by Regional Offices of the War Production Board. The symbols (B), (D), (F), (G), (J), (K), (V), (SO) and (RO) constitute Claimant Agency symbols for the purpose of all CMP regulations.

(5) "Allotment" means (i), a determination by the Requirements Committee of the War Production Board of the amount of controlled materials which a Claimant Agency may receive during a specified period, or (ii) a further determination pursuant thereto by a Claimant Agency, Industry Division, prime consumer or secondary consumer, as to the portion of its allotment of controlled materials which may be received by one of its prime consumers or secondary consumers, as the case may be.

(6) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(7) "Secondary consumer" means any person who receives an allotment of controlled material from a prime consumer or another secondary consumer.

(8) "Class A product" means any product which is not a Class B product (as defined in subparagraph (9) below), and which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such steel, copper or aluminum as may be contained in Class B products incorporated in it as parts or sub-assemblies.

(9) "Class B product" means any product listed in the "Official CMP Class B Product List" issued by the War Production Board, as the same may be modified from time to time, which contains any steel, copper or aluminum, fabricated or assembled beyond the forms and shapes specified in Schedule I, other than such as may be contained in other Class B products incorporated in it as parts or sub-assemblies.

(10) "Program" means a plan specifying the total amount of an item or class of items to be provided in a specified period of time.

(11) "Authorized program" means a program specifically authorized by the Requirements Committee or by a Claimant Agency or Industry Division within the limits of its allotment.

(12) "Production schedule" means a plan specifying the total amount of an item or class of items to be produced by an individual consumer in a specified period of time.

(13) "Authorized production schedule" means a production schedule specifically authorized within the limits of an authorized program by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically authorized by a prime or secondary consumer with respect to a secondary consumer producing products for it as required to meet an authorized production schedule.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (s) of this regulation or which is specifically designated to be such an order by any regulation or order of the War Production Board.

(c) *General allotment procedure*—(1) *Allotments by Requirements Committee to Claimant Agencies.* The Requirements Committee of the War Production Board will distribute the available supply of controlled materials by making allotments to the Claimant Agencies or Industry Divisions for each quarter, designating the amount of each form of controlled material available, during the quarter, to each Claimant Agency or Industry Division for allotment to its prime and secondary consumers.

(2) *Allotments by Claimant Agencies to prime consumers producing Class A products.* Each Claimant Agency will distribute the allotments received by it by making further allotments to the prime consumers who produce Class A products for it. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to the secondary consumers producing Class A products as parts or sub-assemblies for it. A prime consumer producing Class A products for several Claimant Agencies shall obtain separate allotments from each. A Claimant Agency, may, in particular cases, make allotments through an Industry Division.

(3) *Allotments by Industry Divisions to producers of Class B products.* Unless otherwise specifically directed, allotments to producers of Class B products will be made only by Industry Divisions, both in the case of Class B products which are end-products and in the case of Class B products which are incorporated in other products whether Class A or Class B. Allotments made by the Requirements Committee may be made available to the Industry Divisions for this purpose by the Claimant Agencies. Each Industry Division will make allotments to the prime consumers producing Class B products under its jurisdiction. Such allotments will designate the amount of each form of controlled material available to each such prime consumer, during the quarter, for use by it or allotment to secondary consumers producing Class A products for it. A manufacturer of several Class B products coming under the jurisdiction of different Industry Divisions shall obtain separate allotments from each. A consumer producing Class B products is always a prime consumer with respect to such production.

(4) *Allotments by prime and secondary consumers.* Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing Class A products for him, to cover their requirements for controlled materials. Allotments by secondary consumers to secondary consumers supplying them may be made in the same fashion. A secondary consumer producing Class A products for several other consumers shall obtain separate allotments from each.

(5) *Advance allotments.* Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within specified limits before receipt of allotments from the Requirements Committee in order to assure fulfillment of long term programs and schedules. Prime consumers receiving such advance allotments may, in turn, make allotments to their secondary consumers, and secondary consumers may make further allotments, in the same manner as in the case of ordinary allotments, but no consumer shall make any allotment in advance of receiving his own allotment.

(6) *Allotment numbers.* (i) Allotments to prime consumers shall be identified by allotment numbers consisting of a Claimant Agency letter symbol and seven digits. The Claimant Agency symbol is indicated after the name of each Agency in paragraph (b) (4) of this regulation. The first four digits identify the authorized program of the Claimant Agency. The next three digits identify the authorized production schedule of the prime consumer. The numerical identification of months and quarters as previously required is abolished. Allotments must show the quarter for which the allotment is valid—for example, "3rd quarter 1943" instead of "19". This may be abbreviated as "3Q43" and should appear immediately following the allotment number. Orders for controlled materials must indicate the month delivery is required instead of a month number—for example, "July, 1943." The change from the numerical system shall take effect on July 1, 1943, but shall not apply to orders placed, or allotments made, before then.

(ii) Allotments to secondary consumers shall be identified by an abbreviated allotment number consisting only of a major program identification. The major program identification shall consist of the Claimant Agency letter symbol followed by the first digit only of the program number (omitting the last three digits of the program number and the entire schedule number). For example, in the case of an allotment to a prime consumer for the third quarter of 1943, designated W-2345-687, the allotment to a secondary consumer will be simply W-2-3Q43 denoting an allotment for major program number 2 of the War Department for delivery of controlled materials in the third quarter of 1943.

(d) *Bills of materials, applications for allotments and other information serving as basis for allotments.* (1) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule. The production schedule shall be authorized as provided in paragraph (n) of this regulation. Information as to requirements shall be in the form of a bill of materials, an application for allotment and/or other information as provided below in this paragraph (d).

(2) A bill of materials shows the amounts of controlled materials required by a consumer and his secondary consumers, irrespective of time of delivery and inventory, for production of one unit or a specified number of units of his product. Bills of materials shall be prepared in the manner specified in "General Instructions on Bills of Materials," on forms CMP-1, CMP-2 and CMP-3 or on such other forms as may be prescribed. No consumer shall be required to furnish a bill of materials on any form which is not officially prescribed (as indicated by a Bureau of Budget number), but in cases where another form is in use which gives the same information as the official form, the Claimant Agency, Industry Division or consumer to whom a bill of materials is to be furnished may accept it on such other form.

(3) An application for allotment shows the aggregate amount of each form of controlled material required (after taking inventories into account to the extent required by CMP Regulation No. 2) by a consumer and his secondary consumers during each quarter for his entire production of a specified product or class of products for the same customer, in the case of Class A products, or for all customers (unless otherwise directed) in the case of Class B products. Applications are to be made by manufacturers of Class A products on Form CMP-4A as issued by the appropriate Claimant Agency, and by manufacturers of Class B products on Form CMP-4B as issued by the War Production Board, or on such other forms as may be prescribed. Allotments are to be made on a quarterly basis and applications for allotments are also to be made on a quarterly basis, in lieu of a monthly basis as originally prescribed, except as may otherwise be required in any allotment or by the applicable application form.

(4) A bill of materials or application for allotment shall *not* include controlled materials required for manufacture of Class B products which will be incorporated in the product with respect to which the bill of material or application is submitted, although information as to the number or value of such Class B products is to be given in bills of materials to the extent required by the instructions.

(5) Requirements for maintenance, repair or operating supplies shall *not* be included in bills of materials or applications for allotment. Requirements for such purposes are to be obtained separately as provided in CMP Regulation No. 5.

(6) Bills of materials and applications for allotments shall be filed with the Claimant Agency, Industry Division or other consumer by whom the allotment is to be made, as indicated in paragraph (c) of this regulation. Bills of materials shall be filed only when and as called for by such Claimant Agency, Industry Division or other consumer. Manufacturers of Class A products shall file applications for allotments only when and as called for by the Claimant Agency or other consumer for whom they make their products. Manufacturers of Class B products who will require controlled materials from controlled materials producers (or whose secondary consumers will require the same) must file applications for allotments on Form CMP-4B by such date as may be designated or approved by the appropriate Industry Division (or in special cases by a Claimant Agency). Those manufacturers of Class B products who will obtain their requirements of controlled materials entirely from warehouses or retailers, and whose secondary consumers will do the same, need not file any applications for allotments. Procedures for obtaining controlled materials from warehouses or retailers, and limitations on the amount which may be obtained are provided in CMP Regulation No. 4. Manufacturers of Class A products who sell them for use as maintenance, repair or operating supplies, or deliver them to distributors, shall obtain special allotments on Form CMP-4B as provided in paragraph (k-1) of this regulation.

(7) Each person making an allotment may require such other information in lieu of, or in addition to, a bill of materials or application for allotment as is required to enable him to make the allotment requested or to furnish any bill of materials, application for allotment or other information that may be required of him. If the consumer from whom such other information is requested is of the opinion that compliance with such request would be unreasonably burdensome he may appeal for relief as provided in paragraph (z) of this regulation.

(8) Any consumer making an allotment may waive the furnishing of a bill of materials or application for allotment, or both, if he has other information as to actual requirements of his secondary consumers (taking into account the inventory restrictions of CMP Regulation No. 2) which is sufficiently accurate and detailed to enable him to make the allotment and to furnish any bill of materials, application for allotment or other information that may be required of him.

(e) *Responsibility for statements of requirements, including those of secondary consumers; duty to correct overstatements.* (1) The furnishing of any bill of materials, application for allotment or other information as to requirements by a consumer, shall constitute a representation by him to the person to whom it is furnished, to the appropriate Claimant Agency and to the War Production Board, that the statements contained therein are complete and accurate, to the best of his knowledge and belief, not only with respect to such consumer's own requirements but also with respect to those of his secondary consumers.

(2) Any person who ascertains that he has substantially overstated (whether by inadvertence or otherwise) his requirements, or those of his secondary consumers, for any form of controlled material, shall immediately report such error to the person to whom the statement of requirements was furnished. If he has already received an allotment based on such overstatement, he shall immediately cancel or reduce the same (or an equivalent amount of other allotments received for the same authorized production schedule) to the extent of such excess, and report such cancellation or reduction to the person from whom the allotment was received; or if he is unable for any reason to make such cancellation, he shall immediately make a full report to the person from whom he received the allotment, and shall send a copy of such report to the appropriate Claimant Agency or Industry Division, if the allotment was received from another consumer.

(3) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive (whether by inadvertence or otherwise), he shall withhold any allotment based thereon (either entirely or in an amount sufficient to correct the maximum excess) until satisfied that the statement is not excessive or that it has been appropriately modified. If unable to obtain sufficient information or an appropriate modification, he shall promptly report the matter to the appropriate Claimant Agency or Industry Division. Failure to withhold allotments or to make such report shall be deemed participation in the offense.

(4) If, after making any allotment, a consumer ascertains or has reason to believe that the allotment was substantially in excess of actual requirements, he shall either (i) correct the excess by cancelling or reducing the allotment or other allotments made by him to the same consumer, or (ii) report the matter promptly to the appropriate Claimant Agency or Industry Division. Failure to make such correction or report shall be deemed participation in the offense.

(5) An inadvertent overstatement of requirements shall be deemed substantially excessive for purposes of subparagraphs (2), (3), and (4) of this paragraph (e) if, but only if, it exceeds actual requirements by either (i) one-third or more of actual requirements or (ii) the minimum mill quantity specified in Schedule IV attached, whichever is less.

(f) *Forms in which controlled materials are allotted.* Each allotment, whether made by a Claimant Agency, an Industry Division or a prime or a secondary consumer, shall specify the form of the controlled material allotted. Allotments of steel shall be in terms of (1) carbon steel (including wrought iron) and (2) alloy steel, without further breakdown. Allotments of copper and aluminum shall be broken down as indicated in Schedule I. A consumer may make allotments only in the same forms of controlled materials in which he has received his allotment.

(g) *Allotments by consumers.* (1) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(2) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(3) No consumer shall make any allotment for the production of Class B products and no person shall accept any allotment from a consumer for the production of Class B products.

(4) No consumer who has received his allotment for an authorized production schedule shall place any delivery order (other than small orders placed pursuant to paragraph (l) of this regulation) for any Class A product required to fulfill said schedule, unless concurrently therewith, he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order (taking such person's inventory into account to the extent required by CMP Regulation No. 2); *Provided, however,* That if he purchases a Class A product from a distributor under the conditions specified in paragraph (k-1) of this regulation, he need make no allotment but must charge his own allotment as provided in paragraph (v) of this regulation.

(h) *Methods of allotment.* (1) A consumer may make an allotment to his secondary consumer on such form (including Form CMP-5 set forth in Schedule II) as may be prescribed for the purpose. Allotments may be made by telegraphing the information required by the appropriate form and confirming the same with such form.

(2) Every consumer shall place on each allotment made by him the allotment number which is on the related allotment received by him, and shall indicate the quarter for which the allotment is valid, except that if the full allotment number described in subdivision (i) of paragraph (c) (6) of this regulation is on the allotment received by him, he need only place on related allotments made by him the abbreviated allotment number described in subdivision (ii) of paragraph (c) (6). If a consumer places a delivery order for

which he has made an allotment by separate instrument, he shall place the appropriate number on said order, and shall indicate the quarter for which the allotment is valid.

(i) *Method of cancelling or reducing allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If such cancellation or reduction is not practicable, he may make equivalent cancellations or reductions with respect to other allotments received by him for the same production schedule. If he deems such course of action impracticable, he shall immediately report to the appropriate Claimant Agency or Industry Division for instructions.

(j) *Assignment of allotments.* (1) No consumer shall transfer or assign any allotment in any way unless:

(i) Delivery orders placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer;

(ii) The authorized production schedules of the respective consumers have been duly adjusted; and

(iii) The transfer or assignment is approved in writing by the person who made the allotment.

(2) Transfers or assignments of allotments may be made without complying with paragraph (j) (1) of this regulation in connection with the transfer or assignment of a business as a going concern where the transferee continues to operate substantially the same business in the same plant. The transferee may use the allotment and ratings of the transferor but the transferee must notify the War Production Board of the details of the transaction, giving the names of the persons involved.

(k) *Grouping of allotments and authorized production schedules by major programs.* A consumer operating under several authorized production schedules may combine in a single allotment to a secondary consumer requirements for any number of different production schedules which are identified by the same major program number as provided in paragraph (c) (6) (ii), and he may authorize a single production schedule for the secondary consumer in connection with such allotment. If the secondary consumer has filed separate applications, and the consumer making the allotment acts on such applications separately, the secondary consumer may nevertheless treat such allotments and authorized production schedules bearing the same major program number as a single allotment and a single authorized production schedule.

(k-1) *Special provisions regarding Class A products sold to distributors or as maintenance, repair or operating supplies.* (1) A distributor of Class A products who receives physical delivery thereof may, unless otherwise specifically ordered, buy and sell the same without making or receiving allotments. A manufacturer of Class A products selling them directly or indirectly to such distributors may obtain an allotment for such manufacture from the appropriate Industry Division pursuant to application on Form CMP-4B in the same manner as if they were Class B products. If physical delivery is made directly by the manufacturer to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(2) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies (except items directly purchased and programmed by a Claimant Agency) shall, unless otherwise specifically ordered, obtain allotments for such manufacture in the same manner as provided in subparagraph (1) of this paragraph (k-1) for delivery to distributors. Applications pursuant to said subparagraph (1) and this subparagraph (2) may be combined in a single application on Form CMP-4B.

(3) A manufacturer who also sells purchased Class A products to round out his line, which do not represent more than 10% of his total sales, shall be deemed the manufacturer of such products and not a distributor for purposes of this paragraph (k-1).

(l) *Placing of orders for Class A products requiring small quantities of controlled material, without making allotments.*

Definition of Small Order

(1) A "small order" for purposes of this regulation is a delivery order for a Class A product placed with a manufacturer where the amount of any controlled material required to fill the order does not exceed the following:

Carbon steel (including wrought iron)	3 tons.
Alloy steel	1,200 pounds.
Copper and copper base alloys	300 pounds.
Aluminum	600 pounds.

A person using the small order procedure to purchase Class A products cannot use it to order from all suppliers more of the same Class A product for delivery during any calendar quarter than can be made out of the quantities of controlled materials shown above. He may place small orders for delivery in any one calendar quarter for any number of different Class A products, provided the quantities of controlled materials for each Class A product are within these limits.

(2) A Class A product is considered different from another Class A product if it differs from the other product by reason of one or more of its specifications such as width, thickness, temper, alloy, finish, and the like. A person must not, however, vary a minor specification just for the purpose of using the small order procedure. For example, if a person is purchasing several different kinds of springs, he may treat each different type or size of spring as a separate Class A product, and orders placed for each type or size which require controlled materials for their production within the quantity limits specified in paragraph (1) above constitute small orders, but he must not vary the specifications of the springs just to be able to place small orders.

Persons Entitled to Use the Small Order Procedure

(3) Only a prime consumer who has received an authorized production schedule from a Claimant Agency or the War Production Board, or a secondary consumer who has received an authorized production schedule from a prime consumer or from another secondary consumer, can use the small order procedure to get Class A products needed as production material to fill the authorized production schedule. A Claimant Agency may use the small order procedure to purchase Class A products for its own use.

How to Place Small Orders for Class A Products

(4) A person placing a small order does not have to make an allotment and therefore does not have to show any allotment number or quarterly designation on his order. He must endorse his order with the symbol SO, the preference rating assigned his production schedule, and either the certification set out in CMP Regulation No. 7 or the one set out in CMP Regulation No. 3. Since he does not make an allotment he does not have to account for controlled materials purchased to fill the order and does not need to make any deduction from his own allotment. A person, in filing an application for allotments, need make no adjustment for controlled materials needed to make Class A products which he may buy under the small order procedure.

(5) Where a person places orders for a particular Class A product under the small order procedure believing his total

requirements for the product during the quarter will be within the small order limits and later discovers that, due to circumstances he could not reasonably have foreseen, his total requirements for the product during the quarter will not be within the small order limits, he may still use the small order procedure, but must charge his allotment account with the total quantity of controlled materials needed to fill all orders for the product to be delivered in the quarter. However, if he does not have enough controlled materials in his allotment account to cover all of his orders for the product, he must not use the small order procedure to buy the additional quantity, but may apply for an allotment to make up the difference.

How to Obtain Production Materials to Fill Small Orders

(6) A manufacturer of Class A products who receives small orders may get controlled materials needed to fill them by endorsing his purchase orders for controlled materials with the allotment symbol SO and the certification set out in paragraph (s) (3) of this regulation or the certification set out in CMP Regulation No. 7. An order so endorsed is an authorized controlled material order. The manufacturer does not have to show any quarterly designation, or preference rating on the order. He must show the date or month when he needs to have the controlled material delivered to him either for the production of the product ordered under the small order procedure or to replace in inventory controlled material so used. If a manufacturer uses controlled materials from inventory in filling small orders, he may place authorized controlled material orders, endorsed with the SO symbol, calling for delivery of controlled materials after the small orders were delivered to his customer. He may use the SO symbol and extend his customers' ratings to get Class A products needed to fill small orders. A manufacturer of Class A products may, in buying controlled materials or Class A products to be used in filling small orders for his product, combine the requirements to fill all small orders received by him. Where, in combining requirements for Class A products to fill small orders, the total amount of controlled materials required for their production is greater than the amounts shown in subparagraph (1) above, he should let his supplier know that this results from combining requirements, by endorsing on his order a statement substantially as follows:

The Class A products covered by this purchase order represent the combined requirements to fill SO orders received by me.

(7) Materials other than controlled materials, and Class B products required to fill small orders may be purchased subject to the same limits as apply to an authorized production schedule, that is they may only be ordered for delivery at the time and in the quantities necessary to meet the delivery dates specified on the small orders, subject to the inventory limits set forth in Priorities Regulation No. 1. The rating applied to deliveries of Class A products covered by a small order may be used to buy Class A products, Class B products and materials other than controlled materials, needed to fill the order. The symbol SO must be endorsed together with the rating on all orders for such production materials.

(8) If a customer placing a small order makes an allotment to cover it instead of using the symbol SO, the manufacturer who receives the order may treat the order as a small order just as though it had been endorsed with the symbol SO and no allotment had been made. He must not, however, use the allotment in such a case. In other words, a manufacturer of a Class A product receiving an allotment of controlled materials which is within the small order controlled material quantity limits has the option of either using the allotment and allotment number, or the small order procedure, but not both. A manufacturer who receives a small allotment which he chooses to treat as a small order, does not have to return the allotment or keep any record of its receipt.

Production Records

(9) A manufacturer of Class A products must keep records which will show the amount of controlled materials ordered by the use of the SO symbol, and his production records must be accurate enough to show that the quantity of Class A products produced to fill small orders is reasonably related to the amount of controlled materials bought by the use of the SO symbol.

Bill of Materials Not Required

(10) A manufacturer of a Class A product does not have to furnish his customer with a bill of materials, application for allotment, or equivalent information as to the amount of controlled materials needed to fill any particular small order. He must, however, if requested, tell his customer the number of units of the Class A product ordered which he can manufacture within the limits of the quantities of controlled materials set forth in subparagraph (1) above, or he must, at the option of his customer, inform the customer that the amount of each controlled material needed to fill the order is within the permitted small order limits.

(m) *Relationship between allotments and authorized production schedules.* Every allotment made by a consumer must include or be accompanied by authorization of a production schedule with respect to the products to be supplied to him, and no consumer shall authorize a production schedule for a secondary consumer unless he concurrently allots the controlled materials required to fulfill the schedule; provided, however, that this paragraph shall not apply to any delivery order bearing a symbol (such as a small order bearing the symbol SO) which may be placed without making an allotment as expressly permitted by any regulation or order of the War Production Board.

(n) *Manner of authorizing production schedules.* (1) A production schedule for each prime consumer producing a Class A product shall be authorized by the appropriate Claimant Agency on such form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(2) A production schedule for each secondary consumer producing a Class A product shall be authorized by the consumer for whom such Class A product is to be produced, on such form as may be prescribed; provided, however, that the delivery date specified on a delivery order shall constitute an authorization of the minimum production schedule required to permit delivery on such date.

(3) A production schedule for each consumer producing a Class B product shall be authorized by the appropriate Industry Division (or in special cases by a Claimant Agency) on such form as may be prescribed.

(4) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(5) Prior to authorizing a production schedule, a Claimant Agency, Industry Division or consumer may furnish a tentative production schedule to be used as a basis in submitting requirements, but such action shall not constitute authorization of a schedule.

(o) *Compliance with authorized production schedules.* (1) Each consumer receiving an authorized production schedule shall fulfill the same unless prevented by circumstances beyond his control, except that a manufacturer of Class B products need not produce more than required to fill orders bearing preference ratings.

(2) No consumer who has received an authorized production schedule shall exceed such schedule in any month, except that (i) a deficiency in meeting an au-

thorized production schedule during any month may be made up in any subsequent month or months, (ii) production authorized for any month may be completed at any time after the 15th of the preceding month and, (iii) where a delivery order calls for deliveries, on several dates, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly production schedules would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order and receive) at one time the minimum practicable quantity which may be made without such interference. A person shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling, or otherwise processing, or acquiring raw materials or parts, exceeds the practicable working minimum required to meet the authorized production schedule.

(3) [Deleted October 4, 1943]

(p) *Protection of production schedules for Class A products.* (1) No person shall accept an allotment for the manufacture of a Class A product, regardless of the accompanying preference rating, if he does not expect to be able to fulfill the related authorized production schedule, subject to unexpected contingencies and to any period of grace which may be specified by the person who offers the allotment and the authorized schedule.

(2) No person who has accepted an allotment and an authorized production schedule for a Class A product shall thereafter accept any delivery order (except an order rated AAA) for any Class A, Class B or other product manufactured by him, regardless of the accompanying preference rating or allotment number or symbol, unless he expects that, subject to unexpected contingencies, he can fill the order without interfering with the fulfillment of such previously accepted authorized production schedule.

(3) A person making Class B products to fill unrated or low rated orders must accept higher rated orders to the extent and subject to the exceptions provided in Priorities Regulation No. 1, unless he is also making a Class A product on an authorized production schedule, with which such higher rated orders would interfere contrary to the provisions of subparagraph (2) above.

(4) If a person whose allotment or delivery order is rejected pursuant to this paragraph (p) is unable to find another supplier who is in a position to accept it, he should report the facts to the appropriate Claimant Agency or Industry Division. The War Production Board (or the appropriate Claimant Agency if only orders bearing its symbol are involved, or if all Claimant Agencies concerned have stipulated a single Claimant Agency for the purpose) may make exceptions to the provisions of this paragraph (p) where necessary to assure the filling of orders bearing high preference ratings.

(5) The provisions of Priorities Regulation No. 1 with respect to the acceptance and filling of rated orders and the sequence of deliveries shall remain applicable except as otherwise specifically provided in this regulation, CMP Regulation No. 3, or any other applicable regulation or order of the War Production Board.

(q) *Reconciliation of conflicting schedules.* In any case where, for any reason, a manufacturer of Class A or Class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall immediately report to the appropriate Industry Division for directions, except that such report shall be made to a Claimant Agency if all conflicting schedules bear its symbol or if all Claimant Agencies whose schedules conflict have stipulated a single Claimant Agency for such purposes.

(r) *Alternative procedure for simultaneous allotments.* A prime or secondary consumer who has several secondary consumers in different degrees of remoteness and finds it impracticable to determine the exact allotments to be made to each of his immediate secondary consumers, for their needs and those of their secondary consumers, may, at his option, make simultaneous direct allotments to each secondary consumer, of all degrees of remoteness, by adopting the following procedure:

(1) The consumer who is to make the allotment (hereafter in this paragraph (r) called the originating consumer) shall maintain a complete list of all secondary consumers making Class A products for incorporation in his product. He shall keep this list current at all times by requiring each of his immediate secondary consumers to report promptly to him any change with respect to the source of each secondary consumer's Class A purchased products.

(2) Immediately upon receiving an allotment, the originating consumer shall notify each secondary consumer on the list (either directly or through intervening secondary consumers) of the authorized schedule for which the allotment has been made to him. Such notice shall *not* include an allotment number. It shall identify the product to be delivered by the secondary consumer to whom the notice is sent and state the quantity to be delivered and the time when delivery is required.

(3) Promptly upon receipt of such preliminary notice, each secondary consumer shall report to the originating consumer directly (not through intervening secondary consumers), the amount of each form of controlled material required by him each month in order to make the deliveries indicated. Each such secondary consumer shall include only his own requirements of controlled materials, *not* those of his secondary consumers. No form is prescribed for such statement.

(4) The originating consumer shall then determine the total requirements of all his secondary consumers under the schedule, checking the list to make certain that a preliminary statement of requirements has been received from each secondary consumer.

(5) If such summary shows that the aggregate requirements of the originating consumer and all his secondary consumers for each form of controlled material do not exceed the allotment made to him for the schedule he may then allot directly to each secondary consumer on the list the amount indicated in the preliminary statement of requirements. No form is prescribed for such allotment, and it may be made by telegram, but it must include the allotment number required by paragraph (c) (6) (ii) of this regulation and must show the quarter for which the allotment is valid, and a statement substantially as follows: "This allotment is made in accordance with the alternative procedure for simultaneous allotments provided in paragraph (r) of CMP Regulation No. 1." Such allotment shall constitute authorization of a production schedule for the secondary consumer in the amount specified in the notice sent to him pursuant to subparagraph (2) of this paragraph (r). If aggregate requirements do not exceed his allotment, the originating consumer shall be under no obligation to check the accuracy of the preliminary statements received from his secondary consumers before making allotments to them, but otherwise he and his secondary consumers shall remain subject to the provisions of paragraph (e) of this regulation regarding responsibility for statements of requirements.

(6) If the summary shows that the aggregate requirements of the originating consumer and all his secondary consumers exceed the allotment made to him with respect to any form of controlled material, the originating consumer shall not make any allotment or place any authorized controlled material order for the production schedule covered by his allotment until and unless:

(i) Requirements have been revised by himself or by one or more of his secondary consumers to the extent necessary to eliminate such excess, or

(ii) With the express permission of the appropriate Claimant Agency or Industry Division after he has reported the facts to it, he withholds an amount sufficient to cover all adjustments which must be made in the requirements of his secondary consumers in order to bring them within his allotment.

(s) *Placement of orders with controlled materials producers.* (1) A delivery order placed with a controlled materials producer for controlled material shall be deemed an authorized controlled material order if, but only if, it complies with the provisions of this paragraph (s) or is specifically designated as

an authorized controlled material order by any regulation or order of the War Production Board.

(2) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials producer, unless otherwise specifically directed. An allotment to a prime consumer may include a direction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to secondary consumers, designating therein only producers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(3) Every authorized controlled material order must be identified by an endorsement including an allotment number or symbol. Unless another form of endorsement is specifically prescribed by an applicable order or regulation of the War Production Board, such endorsement shall be in substantially the following form (or in the form prescribed in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

The undersigned certifies, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that he has received an allotment or allotments of controlled materials (or delivery orders not requiring allotments) authorizing him, pursuant to CMP Regulation No. 1, to place an authorized controlled material order in the amount herein indicated for delivery in the month specified, and that he is authorized to use the allotment number -------.

The allotment number included in such endorsement shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of this regulation. Each such order must indicate a specific delivery month in the quarter for which the allotment is valid and need not show the month number as originally prescribed. For example, if a consumer receives an allotment bearing the number W-2-3Q43 and places an authorized controlled material order calling for delivery in August, 1943, the order shall bear the number W-2-3Q43. An authorized controlled material order placed under paragraph (l) of this regulation, relating to small orders, should be endorsed in the way described in paragraph (l) (6) of this regulation.

(4) A delivery order for controlled material must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III attached, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(5) [Deleted October 4, 1943. Obsolete.]

(6) [Deleted Sept. 17, 1943]

(7) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for the controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of the War Production Board.

(s-1) *General restriction on placement of authorized controlled material orders.* In no event shall a consumer request delivery of any controlled material in a greater amount or on an earlier date than required to fill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board. No consumer shall, however, be required by the provisions of this paragraph (s-1) to reduce a delivery order below the minimum mill quantity specified in Schedule IV.

Production Directives

(t) *Controlled materials producers.* (1) Each controlled materials producer shall comply with such production directives as may be issued from time to time by the War Production Board.

Acceptance and Rejection of Orders.

(2) A controlled materials producer shall accept authorized controlled material orders in the order in which received by him except:

(i) He may reject orders for less than the minimum mill quantities specified in Schedule IV attached, but shall not discriminate between customers in rejecting or accepting such orders.

(ii) In any case where he is of the opinion that the filling of the order would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall apply to the appropriate Controlled Materials Division. The War Production Board may direct that the order be placed with another supplier or take other appropriate action.

(iii) He shall refuse any order for shipment of any product in any month if such order, together with all his authorized controlled material orders already on hand for delivery during that month and any orders carried over from the preceding month, plus such amounts as he may be directed by the War Production Board to deliver or set aside for delivery to warehouses or nonintegrated mills or otherwise, total 110% of the production of such product specified in his production directive, or, if no production directive is currently in effect with respect to such product, total 105% of his expected production. As soon as such limits of 110% and 105% respectively have been reached, each controlled materials producer shall promptly notify the appropriate Controlled Materials Division in writing.

(iv) He shall reject orders to the extent required by specific direction of the War Production Board.

(3) A controlled materials producer must reject any new order for any controlled material unless he is permitted to fill it under this paragraph. A controlled materials producer shall not deliver any controlled material except to fill:

(i) An authorized controlled material order;

(ii) A sample order. A sample order must be supported by the purchaser's certificate that he will use the material solely for testing purposes in connection with war production. On orders for steel (except stainless steel, tool steel and steel castings) the purchaser must also certify that the total amount received and on order for delivery within any calendar quarter does not exceed 1,000 pounds of any composition nor a total of 3,000 pounds of all compositions. On orders for other controlled materials (including stainless steel, tool steel and steel castings) the aggregate amount of any item delivered by any producer to any one purchaser in any one month shall not exceed 1% of the minimum mill quantity prescribed with respect to such item in Schedule IV of this regulation;

(iii) An order which he is authorized or required to fill by any written direction of the War Production Board.

If a controlled materials producer takes controlled materials which he has produced and processes them into a form other than a controlled materials form, such processing shall be considered a delivery for the purposes of this paragraph (t). In addition, if a controlled materials producer takes aluminum produced by him and processes it into certain other forms of controlled material as provided in Direction No. 8 under this regulation, such processing shall also be considered a delivery for the purposes of this paragraph (t).

Time for Delivery—Postponed Deliveries

(4) A controlled materials producer shall make delivery on each authorized controlled material order as close to the requested delivery date as is practicable in view of the need for maximum production and compliance with production schedules. He may make delivery during the 15 days prior to the requested delivery month, but not before then, provided such delivery does not interfere with delivery on authorized controlled material orders calling for shipment in such preceding month, or earlier months and provided production to meet such delivery would not violate any production

directive. If a producer, after accepting an order within the limits of paragraph (t) (2) (iii) finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the delivery date, he must promptly advise his customer of the approximate date when delivery can be scheduled, and keep his customer advised of any changes in that date. Delivery of any such carry-over order for steel or copper must be scheduled and made in preference to any order for similar material originally scheduled for a later month. The time of production and delivery of any such carry-over order for aluminum is covered in Direction No. 23 to this regulation. When the new date for delivery on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make delivery on the basis of the original order even if that order shows that the allotment was valid for a quarter earlier than the one in which delivery is actually to be made. When directed by the War Production Board, a controlled materials producer must promptly notify the appropriate Controlled Materials Division of all carry-over orders on his books, giving allotment numbers, names of customers and material covered by the carry-over orders.

Tentative Acceptance of Authorized Controlled Material Orders

(5) If a producer is unable to accept an order for the month requested because of the restrictions of paragraph (t) (2) (iii), but has open space available in either of the two following months, the producer must accept and schedule the order for delivery as early as possible in either of the two following months and must promptly notify the customer of the proposed delivery date and tell him that the order has been accepted subject to written confirmation within seven days. If the customer does not have written confirmation of the new delivery date in the producer's hands within seven days after the date on which the notice of tentative acceptance was sent, the producer must cancel the order. If the new delivery date falls within a later quarter than that shown on the original authorized controlled material order the confirmation has no effect unless it is accompanied by the customer's certification that he has an allotment valid for the new quarter, in which case the customer must charge the order against that allotment. The confirmation and certification may be by letter or telegram. If made by letter, the letter must be signed by a person authorized to sign the form of certification required on authorized controlled material orders and if made by telegram a copy must be signed by such a person and held in the customer's file.

Directions by the War Production Board

(6) All directions to controlled materials producers affecting production and distribution of controlled materials shall be issued by the War Production Board.

Commercial Tolerances

(7) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in the authorized controlled material order, the making and acceptance of such delivery shall not be deemed a violation of this regulation or any other CMP Regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

Authorized Controlled Material Order Is Not an Allotment

(8) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific direction as provided in subparagraph (3) (iii) of this paragraph (t) or pursuant to allotment as provided in CMP Regulation No. 8. Specific instructions will inform a controlled materials producer whether to apply for a direction by letter or for an allotment pursuant to CMP Regulation No. 8.

(u) *Restrictions on use of allotments or materials or products obtained by allotments.* (1) No consumer shall use an allotment, or any controlled material or Class A product obtained pursuant to an allotment, for any purpose except:

(i) To fulfill the authorized production schedule for which the allotment was received, or to fulfill any other authorized production schedule of the same consumer, within the same plant or operating unit, which schedule is identified by the same Claimant Agency letter symbol.

(ii) For any purpose specifically authorized or directed by the War Production Board, or by the appropriate Claimant Agency where only such Agency's schedules are affected or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected; or

(iii) To restore his inventory of such material or product if the same has been depleted in fulfilling such production schedule or such purpose, subject, however, to the inventory limitations of CMP Regulation No. 2 and Priorities Regulation No. 1; or

(iv) As permitted or required by Priorities Regulation No. 13, pertaining to special sales, or any other applicable regulation of the War Production Board.

(2) The provisions of subparagraph (1) of this paragraph (u) shall not require physical segregation of inventories provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment for each schedule provided that his records show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each, and that his aggregate production of any product does not exceed his aggregate authorized production schedules for that product.

(v) *Adjustments on account of controlled materials or Class A products obtained without use of allotments.* (1) Each consumer shall promptly reduce, in the manner provided in paragraph (i) of this regulation, any allotment received by him, to the extent that, either before or after receiving the allotment, he fills a substantial portion of any of his requirements covered by the allotment through the acquisition of controlled materials or Class A products in any other manner than by use of the allotment, including without limitation:

(i) Transactions covered by preference ratings (including preference ratings assigned on PRP Certificates or otherwise);

(ii) Transactions not affected by preference ratings;

(iii) Purchases from warehouses or retailers pursuant to CMP Regulation No. 4 or otherwise;

(iv) Purchases pursuant to Priorities Regulation No. 13 or otherwise, from persons not regularly engaged in the business of selling the material or product;

(v) Purchases of second-hand materials or products.

(2) A person obtaining Class A products under paragraph (l) of this regulation, relating to small orders, need not reduce his allotment by the amount of controlled materials needed to produce such products.

(3) For purposes of this paragraph (v), a "substantial portion" of requirements covered by an allotment shall mean an amount of controlled materials which is either in excess of 25% of the material allotted or is greater than the minimum mill quantity of such material specified in Schedule IV attached.

(w) *Adjustments for changes in requirements.* If a consumer's requirements for controlled materials or Class A products are increased after he receives his allotment, he should apply for

an additional allotment from the person who made the same. If his requirements decrease, for any reason, he shall promptly cancel or reduce his allotment in the manner provided in paragraph (i) of this regulation.

(x) *Other War Production Board regulations and orders.* Nothing in this regulation (or any other CMP regulation) shall be construed to relieve any person from complying with any applicable priorities regulation or any order of the War Production Board (including orders in the "E," "L," "M" and "P" series). In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he should immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. The War Production Board will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by the War Production Board, such person shall comply with the provisions of such regulation or order.

(y) *Records and reports.* (1) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by abbreviated allotment numbers, as provided in paragraph (c) (6) (ii) of this regulation, and shall include separate entries under each number for each customer, Claimant Agency or Industry Division from whom allotments are received under such number.

(2) Each controlled materials producer shall report to the appropriate Controlled Materials Division, on the forms and for the periods prescribed, such information on production, consumption and distribution of controlled materials as may be prescribed by the War Production Board.

(3) Each prime or secondary consumer and each controlled materials producer shall retain for two years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of the War Production Board, or Claimant Agencies, or filed in such manner that they can be readily segregated and made available for such inspection.

(z) *Appeals and applications for relief.* (1) Any person who is subject to any requirement of any regulation, direction, order or other action under the Controlled Materials Plan, may appeal for relief by filing a letter in triplicate with the appropriate authority specified below in this paragraph (z), setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph (z) or as otherwise specifically directed, an appeal by a producer of Class A products should be filed with the appropriate Claimant Agency, and an appeal by a producer of Class B products should be filed with the appropriate Industry Division, unless the matter affects only production schedules of a single Claimant Agency or where a single Claimant Agency has been stipulated for the purpose by all Claimant Agencies whose schedules are affected, in which case the appeal should be filed with such Claimant Agency.

(3) An appeal concerning the operations of a controlled materials producer (whether filed by such producer, by a consumer, or by a Claimant Agency) should be filed with the appropriate Controlled Materials Division.

(4) A producer of Class B products may apply for permission to be treated as a producer of Class A products. A producer of Class A products making a large variety of items which are sold to many customers and whose allotments originate from several Claimant Agencies, may make application to be treated as a producer of Class B products, but such permission will not be granted with reference to component parts or subassemblies, unless the necessary adjustments in bills of materials which include such component parts or sub-assemblies can be made without difficulty. Application for reclassification should be filed with the CMP Division, War Production Board, Washington, D. C., and may be filed either directly by the producer or by a Claimant Agency on his behalf.

(5) In case of any disagreement between any persons as to the interpretation of any provisions of this regulation or any other regulation, direction, or order under the Controlled Materials Plan, the matter should be referred to the CMP Division, War Production Board, Washington 25, D. C.

(aa) *Penalties.* Any person who willfully purports to make any allotment of controlled materials or to place authorized controlled material orders in excess of the amount allotted to him, or violates any other provision of this regulation, or any other regulation, direction or order under the Controlled Materials Plan, or who knowingly or willfully makes any false or fraudulent statement or representation with respect to requirements for controlled materials or in any other matter under the jurisdiction of any agency of the United States under the Controlled Materials Plan, is guilty of a crime and, upon conviction, may be punished by a fine up to $10,000 or by imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries or allotments of controlled material or from making or obtaining any further deliveries of, or from processing or using, any material under priorities control, and may be deprived of priorities assistance.

Issued this 4th day of October 1943.

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

SCHEDULE I

STEEL

Carbon steel (including wrought iron)

Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, die blocks, tube rounds, skelp, and sheet and tin bar.
Pipe including threaded couplings of the types normally supplied on threaded pipe by pipe mills.
Plates.
Rails and track accessories.
Sheets and strip.
Steel castings.
Structural shapes and piling.
Tin plate, terne plate, and tin mill black plate.
Tubing.
Wheels, tires, and axles.
Wire rods, wire, and wire products.

Alloy steel (including stainless)

Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, die blocks, tube rounds, sheet bar.
Pipe including threaded couplings of the types normally supplied on threaded pipe by pipe mills.
Plates.
Track accessories.
Sheets and strip.
Structural shapes.
Steel castings.
Tubing.
Wheels, tires and axles.
Wire rods, wire, and wire products.

COPPER AND COPPER BASE ALLOY PRODUCTS

Alloy sheet and strip

Alloy plate, sheet, and strip (including strip equivalent of ammunition cups and discs).

Alloy rods, bars and wire including extruded shapes

Alloy rods, bars and wire (including extruded shapes and ammunition slugs).

Alloy seamless tubing and pipe

Alloy seamless tubing and pipe.

Brass Mill copper products

Plate, sheets, and strip.
Rods, bars and wire, including extruded shapes (not including wire bars and ingot bars, or rod and wire for electrical conduction).
Tube and pipe.

Wire mill copper products

Wire and cable (bare, insulated, armored, and copper-clad steel) for electrical conduction. (Show copper or copper-base alloy content on Bills of Materials).

Foundry copper and copper-base alloy products

Castings (before machining).
Powder (copper or copper base alloy) (after September 30, 1943).

ALUMINUM

Rod, bar, wire and cable

Rod and bar.
Wire (wire covers maximum diameter under ⅜" in rounds, ovals, squares, hexagonals, octagonals and rectangles).
Cable (electrical transmission only).

Rivets

Rivets.

Forgings, pressings and impact extrusions

Forgings and pressings (before machining).
Impact extrusions.

Castings

Cylinder head castings for air-cooled engines.
Heat treated sand castings, except cylinder heads.
Non-heat treated sand castings.
Heat treated permanent mold castings.
Non-heat treated permanent mold castings.
Cold-chamber die castings.
Gooseneck die castings.
Other castings (including rotor, centrifugal, plaster, etc.).

Shapes, rolled or extruded

Rolled structural shapes (angle, channels, zees, tees, etc.).
Extruded shapes.

Sheet, strip, plate and foil

Sheet, strip and plate.
Foil (0.005" and thinner).

Tubing and tube blooms

Tubing.
Tube blooms (tube redraw stock).

Ingot and powder

Powder.
High-grade ingot.
Low-grade ingot.

NOTE: Steel, copper and copper base alloys, and aluminum, in any of the above forms and shapes constitute controlled materials, but allotments of steel, copper and copper base alloy products and aluminum, are made in the terms shown in italics without further breakdown.

SCHEDULE II—SHORT FORM OF ALLOTMENT

Allotment number	Controlled Material Products allotted		

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

The above short form of allotment may be used by any consumer for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached the delivery order number or other identification must be indicated on the form.

The form must be followed by the signature of an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

Under the heading "Controlled Material Products Allotted" the person making the allotment must designate the forms which are allotted. These must be shown in the breakdown prescribed in Schedule I of CMP Regulation No. 1, and must be within the allotments received by such consumer for the same forms. Additional columns may be added depending on the number of forms of controlled material allotted. A sample form follows:

Allotment number	Controlled Material Products allotted			
	Carbon steel	Copper base alloy tubing and pipe	Copper plate sheets and strip	Aluminum castings
N-1-3Q43	*Tons* 100	*Lbs.* 10,000	*Lbs.* 8,000	*Lbs.* 100

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

SCHEDULE III—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

STEEL

Product	*Number of days in advance of first day of month in which shipment is required*
Alloy steel (including stainless steel):	
Hot rolled bars and semi-finished	75
Bars—cold finished	105
Sheet and strip—hot and cold rolled	105
Plates—hot rolled	75
Tool steel:	
Hot rolled products	90
Cold finished products	120
Cold finished bars:	
Carbon bars—standard sizes, grades and sections	70
Carbon bars—furnace treated at hot mills or special section, odd sizes or special grades	100
Alloy bars	105
Plates and shapes:	
Carbon steel plates	30
Carbon steel structural shapes	45
Alloy steel plates and shapes	75
Pipe	30
Sheet and strip:	
Sheet—hot rolled—16-gauge and heavier	30
Sheet—hot rolled—17-gauge and lighter	45
Sheet—cold rolled—galvanized—long terne	45
Strip—hot rolled (low carbon)	30
Strip—cold rolled (low carbon)	45
High carbon cold rolled strip (over .25 carbon) and other long processed special carbon hot rolled and cold rolled sheets and hot and cold rolled strip (including electrical grade)	60
Hot rolled carbon bars and semi-finished:	
Except for carbon bars heat treated and annealed	30
Carbon bars heat treated and annealed	60
Tin mill products	30
Tubing:	
Seamless tubing	
Carbon steel	
Hot rolled	60
Cold drawn	
1½" O. D. and larger	75
Under 1½" O. D.	105
Alloy steel (exclusive of airframe and (engine tubing)	
Hot rolled	120
Cold drawn	
1½" O. D. and larger	140
Under 1½" O. D.	150
Airframe and engine tubing	120

SCHEDULE III—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS—Continued

STEEL—continued—

Product	*Number of days in advance of first day of month in which shipment is required*
Tubing—Continued	
Welded tubing	
Carbon steel	
Mechanical	
Hot rolled	60
Cold rolled	70
Annealed	
Hot rolled	70
Cold rolled	80
Drawn or swaged	85
Boiler tubes	60
Condenser and heat exchanger	
1" O. D. and under	75
Over 1" O. D.	60
Alloy and stainless, (including aircraft	120
Carbon steel castings (providing patterns are available):*	
Weight per casting:	
500 pounds and under	45
Over 500 pounds to 5,000 pounds	60
Over 5,000 pounds to 30,000 pounds	75
Over 30,000 pounds	90
Alloy steel castings (providing patterns are available):*	
Weight per casting:	
500 pounds and under	60
Over 500 pounds to 5,000 pounds	75
Over 5,000 pounds to 30,000 pounds	90
Over 30,000 pounds	105
Wire and wire products:	
Hot rolled wire rods	30
Merchant trade products	30
Manufacturing wires:	
Low carbon .0475" and heavier	45
Low carbon under .0475"	60
High carbon (0.40 carbon and higher) .0475" and heavier	45
Under .0475" to .021"	60
Under .021"	75
Wire rope and strand:	
5/8" dia. and over	75
5/16" dia. and under	105
Welded wire-reinforcing fabric	45

COPPER

Brass mill copper and copper base alloy products:	
Copper and non-refractory alloys	45
Refractory alloys	60
Wire and cable products:	
Bare wire and cable	35
Weatherproof wire and cable	35
Magnet wire	35
Rubber insulated building wire	35
Paper and lead cable	40
Varnished cambric cable	35
Asbestos cable (type H-F)	60
Rubber insulated wire and cable (Mold or lead cured)	45
Foundry copper and copper base alloy products:	
Castings (rough castings, not machined—assuming patterns are available)	
Small simple castings to fit 12" by 16" flask	7
Large intricate and centrifugal castings	14

ALUMINUM

All forms and shapes	45

* * * * *

Where no time is specified in Schedule III for placing orders for a particular form or shape of controlled material, the time for placing such orders shall be subject to agreement between the consumer and the con-

*Patterns are to be considered "available" only after they have been received at the foundry, checked, rigged for production, and sample castings have been approved.

trolled materials producer, provided that no producer shall discriminate between consumers in the acceptance of orders. In the event of any disagreement, the matter should be referred to the appropriate Controlled Materials Division.

SCHEDULE IV—MINIMUM MILL QUANTITIES

STEEL

Product	*Minimum mill quantity for each size and grade of any item for shipment at any one time to any one destination*
Alloy steel (other than stainless):	
Standard grades and sections:	
Rounds, squares 3" and under	5 net tons.
Hexagon and flats—all sizes	5 net tons.
Stainless steel:	
Standard grades and sections	Product of one ingot.
Tool steel	500 pounds.
Castings as established by each foundry, but in no case in excess of	5 net tons.
Cold finished bars	3 net tons.
Hot rolled carbon bars and semi-finished:	
Round bars up to 3" incl., and squares, hexagons, half rounds, ovals, half ovals, etc., of approximate equivalent sectional area	5 net tons.
Round bars over 3" to 8" (including squares within this range)	15 net tons.
Flat bars, all sizes	5 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Forging billets, blooms and slabs	Product of one ingot.
Rerolling billets, slabs, sheet	25 gross tons.
Plates and shapes:	
Plates:	
Continuous strip mill production	10 net tons.
Sheared mill, universal mill or bar mill production	3 net tons.
Structural shapes	5 net tons.
Pipes	(1)
Sheet and strip:	
Sheets—hot and cold rolled	5 net tons.
Strip—hot and cold rolled	3 net tons.
Tin mill products (one gauge)	5,000 pounds.
Tubing:	
Seamless tubing	
Carbon steel	
Cold drawn	
O. D. (inches)	
Up to ¾" inclusive	1000 feet
Over ¾" to 1½" inclusive	800 feet
Over 1½" to 3" inclusive	600 feet
Over 3" to 6" inclusive	400 feet
Over 6"	250 feet
Alloy steel	
Aircraft tubing	
O. D. (inches)	
Up to ¾" inclusive	1000 feet
Over ¾" to 1½" inclusive	800 feet
Over 1½" to 3" inclusive	600 feet
Over 3"	250 feet
Welded tubing	
Carbon steel, all sizes	3 net tons
Alloy steel, all sizes	5 net tons
Stainless steel, all sizes	3 net tons

[1] Published carload minimum (mixed sizes and grades)

SCHEDULE IV—MINIMUM MILL QUANTITIES—Continued

STEEL—continued

Product	*Minimum mill quantity for each size and grade of any item for shipment at any one time to any one destination*
Wire and wire products:	
Hot rolled wire rods	5 net tons.
Merchant trade products (Assorted Merchant Products)	5 net tons.
Manufacturing wires (wires for further fabrication):	
Low carbon	1 net ton.
High carbon (0.40 carbon and higher) .0475" and heavier	1 net ton.
Under .0475" to .021"	1,000 pounds.
Under .021"	500 pounds.
Wire rope and strand	1,000 ft. lengths.
Welded wire reinforcing fabric	(2)
Rails and track accessories:	
Guard rail clamps, clip bolts, nut locks, S-irons, rail braces	3 net tons.
Track spikes, track bolts, screw spikes, rail clips, gage rods	5 net tons.
Rail anchors	15 net tons.

COPPER

Brass mill products	200 pounds.
Wire mill products	300 pounds.

ALUMINUM

Sheet and strip	500 pounds.
Tubing	250 pounds.
Extrusions other than extruded shapes (Extruded shapes are covered by Direction 33 to this regulation)	200 pounds.
Wire, rod and bar	200 pounds.
Rivets	50 pounds.

[2] Full rolls of manufacturer's standard stock sizes.

INTERPRETATION 1—DISCRIMINATION

Questions have arisen as to what constitutes discrimination between customers within the meaning of paragraphs (s) (4) and (t) (2) (i) of CMP Regulation No. 1. These provisions prohibit producers of controlled materials from discriminating between customers in rejecting or accepting orders which are filed later than the prescribed time or which call for deliveries of less than the minimum mill quantities. These provisions mean that, in similar situations, different customers must receive similar treatment. A controlled materials producer who has rejected a late order or small order from one customer, is not prohibited from accepting such an order from another customer if the difference in treatment of the two orders is based in good faith on differences in the practicability of filling the orders in view of the nature of the material ordered, the condition of the production schedule at the time the orders are received, or similar factors. (Issued March 8, 1943.)

INTERPRETATION 2—PROHIBITION AGAINST DUPLICATING ORDERS

The question has been raised as to whether a consumer may place authorized controlled material orders or make allotments exceeding in the aggregate the total amount of his allotment if he intends to cancel the excess before delivery.

Under CMP Regulation No. 1 a consumer is prohibited from duplicating authorized controlled material orders or allotments even though he intends to cancel or reduce his delivery orders to the allotted amount prior to delivery. (Issued March 22, 1943.)

INTERPRETATION 3—CONTROLLED MATERIALS FOR USE IN METAL GUNS, WIRE STITCHERS, ETC.

A manufacturer of equipment who also sells controlled materials merely for use in the operation of such equipment may include such controlled materials in his application for allotment as manufacturer of the equipment, but such requirements must be separately indicated. For example, a manufacturer of a metal gun or a wire stitcher who sells rod or wire for use with his product (whether he makes such sales with the product or separately) may include his requirements for such rod or wire in his application for controlled materials needed to manufacture the gun or stitcher, but he should indicate separately on his application or in an attached note the amount of controlled material required for such purposes as distinct from the manufacture of the gun or stitcher. (Issued April 5, 1943.)

INTERPRETATION 4—"SAME CLASS A PRODUCT" AS USED IN PARAGRAPH (l) (2)

NOTE: Deleted October 4, 1943. Now covered by (l) (2).

INTERPRETATION 5 AS AMENDED—CONVERSION OF ORDERS NOT RETROACTIVE

NOTE: Deleted October 4, 1943. Now improper to place order and later convert. See paragraph (t) (3) and note that paragraph (s) (6) has been deleted.

INTERPRETATION 6 AS AMENDED—ALLOTMENTS NOT REQUIRED IN ORDERING CLASS A PRODUCTS IN CERTAIN CASES

X places an order in November of 1942 with Y for a Class A product to be delivered in May 1943. Y in filing his application under PRP included the steel pipe required to fill the order. The pipe, a controlled material, must be ordered, under CMP Regulation No. 1, thirty days prior to the month of delivery. In February of 1943 X inquires of Y how much pipe will have to be shipped to him subsequent to April 1 in order to fill his order and is advised by Y that Y has sufficient pipe in inventory, or promised for shipment, to fill the order. As a consequence, X in applying for an allotment of controlled materials for his project does not include requirements for the production of the A product and makes no allotment to Y. In April Y advises X that Y intends to fill orders for Class A products which can be fabricated out of pipe in his hands where such orders are accompanied by allotments, in preference to X's order. The Class A product was included in X's application on Form PD-200 and X was authorized to acquire it at the time of the issuance of his authorization to begin construction. Inasmuch as the Class A product is required for the authorized construction, X has applied the preference rating assigned in connection with the issuance of the PD-200 and the related allotment number as an up-rating device, to delivery of the product. The allotment number was issued at the time he applied for an allotment of other controlled materials required for completion of the project.

Under the above circumstances, Y is required to fill X's order since the order has the same status as an order for a Class A product with respect to which an allotment was made. Paragraph (p) (2) of CMP Regulation No. 1 provides as follows:

"(2) No person who has accepted an allotment and an authorized production schedule for a Class A product shall thereafter accept any delivery order (except an order rated AAA) for any Class A, Class B or other

product manufactured by him, regardless of the accompanying preference rating or allotment number or symbol, unless he expects that, subject to unexpected contingencies, he can fill the order without interfering with the fulfillment of such previously accepted authorized production schedules."

Under paragraph (n) (2) the delivery date specified on X's order constitutes the authorization of a production schedule. Since the only reason that X did not make an allotment was because Y advised him that no allotment was necessary, the order should be treated as though an allotment had actually been made.

The above problem suggests two fundamental questions, the answers to which are of general interest:

(1) May an order be placed for a Class A product without making an allotment and may such order bear an allotment number, as well as a preference rating, even though no allotment is made?

Under paragraph (g) (4) of CMP Regulation No. 1 a customer who has received his allotment must (except with respect to small orders and purchases from distributors) accompany every delivery order for a Class A product with an allotment "in the amount required" by his supplier to fill the order "taking such person's inventory into account." If the supplier has a sufficient inventory of controlled material to fill the order and still retain a minimum practicable working inventory (but in no event in excess of the limits prescribed by CMP Regulation No. 2), no allotment need or should be made. If an order for a Class A product is placed under such circumstances, the applicable allotment number may be applied to the order for the purpose of up-rating the order as provided in CMP Regulation No. 3.

(2) If such an order has been accepted and promised for delivery at a specified time, may an order subsequently received with the same rating accompanied by an allotment number and an allotment be accepted and filled in preference to the first order?

A manufacturer is prohibited under paragraph (p) (1) of CMP Regulation No. 1 from accepting "an allotment for the manufacture of a Class A product, regardless of the accompanying preference rating, if he does not expect to be able to fulfill the related authorized production schedule, subject to unexpected contingencies, etc." In addition, under paragraph (p) (2) quoted above, an order for a Class A product cannot be displaced by an order subsequently received regardless of whether the second order bears a higher preference rating (unless it is a rating of AAA) or is accompanied with a tender of an allotment. (Issued May 10, 1943, as Amended May 28, 1943.)

INTERPRETATION 7—CLASS A REPAIR PARTS

(a) A manufacturer of Class A products who sells them for use as maintenance, repair or operating supplies is required to obtain an allotment for their manufacture from the appropriate Industry Division pursuant to application on Form CMP-4B, except where they are directly purchased and programmed by a Claimant Agency—(paragraphs (d) (6) and (k-1) (2) of CMP Regulation No. 1). Such items, with the exception noted, are handled exactly as though they were Class B products. A manufacturer is therefore prohibited by paragraph (g) (3) of CMP Regulation No. 1 from accepting an allotment from his customer, and his customer is prohibited by the same paragraph from making an allotment, for their manufacture. A variation from this rule is indicated in paragraph (b) of this interpretation.

(b) In some cases manufacturers buy Class A parts such as springs, screw machine parts and stampings, for incorporation in their products and also resell some of the parts as repair parts. In such cases, if it is impracticable for the manufacturer of the part to segregate those sold for resale as repair parts from those sold for production, he should secure an allotment from his customer covering his requirements for the manufacture of both. For example, a manufacturer of electric motors (a Class B product) purchases screw machine parts (a Class A product) from another manufacturer. He uses some of the screw machine parts for building motors and resells others as repair parts. He normally orders the screw machine parts without distinction as between those which he needs for production or for resale. The motor manufacturer should make an allotment to the manufacturer of the screw machine parts to cover all the parts purchased from him. (Issued May 20, 1943.)

INTERPRETATION 8—PERIOD DURING WHICH ALLOTMENT VALID

(a) An allotment of controlled materials under the Controlled Materials Plan is only valid for the quarter (or other specifically designated period) for which it is made as indicated on the allotment certificate. An allotment which is valid for one quarter cannot be used for placing authorized controlled material orders in any other quarter.

(b) A consumer in placing an order for a controlled material must specify the date on which delivery is requested and the requested delivery date must be within the quarter for which the allotment is valid. Controlled materials producers are required to make delivery as close to the requested delivery date as is practicable and are prohibited from accepting authorized controlled material orders in excess of a specified percentage of their capacity as provided in paragraph (t) (2) of CMP Regulation No. 1.

(c) Under paragraph (t) (4) (ii) a controlled materials producer is permitted to make deliveries 30 days after the end of the month in which delivery is requested in the event he has accepted an order which he expected to be able to fill by the requested delivery date. This provision applies even though it results in a delivery being made in the first month of the quarter following the quarter for which the allotment was made. A producer may not, however, accept an order under this paragraph if he does not expect to be able to fill it during the delivery month requested even though he does expect to be able to fill the order during the following month.

(d) If an authorized controlled material order is rejected by a controlled materials producer on the grounds that delivery cannot be made during the delivery month specified, and delivery is required in that month, the consumer may appeal either directly or through his Claimant Agency or Industry Division, to the appropriate Controlled Materials Division for relief.

(e) If an authorized controlled material order is rejected by a controlled materials producer on the grounds that delivery cannot be made during the delivery month specified, the consumer may postpone the requested delivery date to a month later in the same quarter and the controlled materials producer may then accept the order if he expects to be able to meet the new delivery date.

(f) If a controlled materials producer rejects an authorized controlled material order because delivery cannot be made during the delivery month specified and requests that the consumer change the designated delivery to a month in a subsequent quarter, the consumer may do so provided he has an allotment balance for the subsequent quarter available to cover the order. The consumer cannot use allotments made for one quarter to cover orders for delivery in subsequent quarters. This prohibition prevails whether the consumer has been able to obtain deliveries on all of the allotments made to him for the quarter or not. (Issued May 28, 1943.)

INTERPRETATION 9—ALLOTMENTS FOR MINIMUM PRODUCTION QUANTITIES

(a) Paragraph (o) (2) (iii) of CMP Regulation No. 1 permits a manufacturer to exceed his authorized production schedule "where a delivery order calls for delivery, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly production schedules would result in substantial interruption of production and consequent interference with production to fill other delivery orders." In such a case the manufacturer may "produce (and his customer may order) in the first month, the minimum practicable quantity which may be made without such interference."

(b) A manufacturer is entitled to apply for (and his customer is entitled to make) an allotment during a single quarter of the quantity of controlled materials required to produce a minimum practicable production quantity even though the customer's requirements for the finished product may run over several quarters.

In illustration of the above, a customer's requirements of screw machine parts for the third and fourth quarters of 1943 constitutes a minimum practicable production quantity. The manufacturer of the screw machine parts may apply for an allotment for the third quarter of 1943 of all of the controlled materials required to produce the parts. The customer should include the quantity in his application for an allotment and if an allotment is made to him, he should make a third quarter allotment to the screw machine manufacturer for the entire quantity, and should charge the total quantity so allotted to his third quarter allotment account. (Issued June 11, 1943.)

INTERPRETATION 10—SUBSTITUTION OF ALLOTMENT NUMBERS

(a) The substitution of one allotment number for another allotment number on an authorized controlled material order does not in and of itself change the position of the order in the mill schedule. The order will be treated just as though it bore the substituted allotment number when the order was originally placed. It must be borne in mind, however, that a change in the form or shape of the product ordered or advancing the delivery date or an increase in the quantity ordered constitutes the placing of a new order. Any change which would constitute the placing of a new order where no substitution of allotment numbers is involved will, of course, constitute the placing of a new order where a substitution of allotment numbers is involved.

(b) A person substituting one allotment number for another allotment number must have an allotment, identified by the substituted number, to support the order.

(c) [Deleted October 4, 1943. Obsolete.]

(Issued June 25, 1943.)

INTERPRETATION 11—USE OF ALLOTMENTS TO REPLENISH INVENTORY

(a) An allotment may be used to replace in inventory controlled materials used to manufacture the product for which the allotment was made. This is specifically covered in paragraph (u) (1) (iii) of CMP Regulation No. 1 [§ 3175.1]. It is not necessary for a manufacturer to delay production until he receives delivery of controlled materials ordered on the basis of the allotment.

(b) A manufacturer of Class A products need not accept an order unless he receives an allotment of enough controlled materials for its manufacture even though he has

enough in inventory to fill the order. However, if his inventory is excessive (more than a practicable working minimum or the limit specified in CMP Regulation No. 2) he must fill the order out of the excess. This follows from the fact that he must take inventories into account in applying for an allotment. (However, see Direction 27—Right To Specify Allotment Quarter).

(c) It is not necessary that the quarter for which an allotment is made and the quarter in which delivery of the Class A product is to be made be the same. The allotment may be for an earlier or a later quarter depending on when the manufacturer needs the allotment.

In illustration of the above, the X Company receives an order on July 1, 1943, calling for delivery of 100 transmission assemblies on September 1, 1943. Ten tons of carbon steel and two tons of alloy steel are required to fill the order. The X Company has a sufficient quantity of steel on hand to fill the order but it is, nevertheless, entitled to an allotment of ten tons of carbon steel and two tons of alloy steel from its customer, assuming its inventory is not more than a practicable working minimum or the limit specified in CMP Regulation No. 2. The X Company may fill the order from stock on hand and obtain a fourth quarter allotment which it may use to replenish its inventory. If, in the above case, the X Company did not have controlled materials on hand to fill the order it would not be able to accept the order for delivery on September 1, 1943. If the date for delivery of the Class A products were changed to February 1, 1944, the allotment quarter would precede the quarter in which delivery of the product would be made. (Issued July 14, 1943.)

INTERPRETATION 12—REDUCTION OF QUANTITY ORDERED DOES NOT CONSTITUTE PLACING OF NEW ORDER

(a) The reduction in the quantity of a controlled material covered by an authorized controlled material order does not constitute the placing of a new order. In other words, the order for the reduced quantity will retain its position in the mill schedule and will be treated just as though it were for the reduced quantity when the order was originally placed.

(b) If the quantity ordered is reduced below a minimum mill quantity, the producer may at that time reject the order and remove it from his schedule, as provided in paragraph (t) (2) (i) of CMP Regulation No. 1 (§ 3175.1), but he must not discriminate between customers in such cases. (Issued Aug. 13, 1943.)

INTERPRETATION 13—ALLOTMENT PROCEDURE DETERMINES CLASSIFICATION OF PRODUCT IN CERTAIN CASES

(a) When the B product allotment procedure is followed in making allotments for the manufacture of a Class A product, all of the provisions of CMP regulations governing B products apply. A good example of this is Class A repair parts which are handled on the B product basis. Under paragraph (p) of CMP-1 (§ 3175.1), an order for a Class A product, once accepted, cannot be displaced by an order received at a later time even though the later order bears a higher preference rating. However, if the product is a Class A repair part which is handled on a Class B basis, this provision does not apply. Paragraph (g) (3) provides that no consumer may make an allotment for the production of Class B products. In the case of a Class A repair part which is handled on a Class B basis, this provision does apply.

(b) On the other hand, when the A product allotment procedure is followed for making allotments for the manufacture of a Class B product, all of the provisions of CMP regulations governing A products apply. In such a case, the provision of paragraph (p) mentioned above does apply, and the provision of paragraph (g) (3) does not apply. (Issued Aug. 16, 1943.)

INTERPRETATION 14—USE OF QUARTERLY IDENTIFICATION

(a) It is not necessary to show the quarterly identification in rating orders for B components or other production materials, other than controlled materials. For example, "Preference rating AA-1, Allotment number W-1" is sufficient. Where an A product is ordered requiring an allotment, the quarterly identification must, of course, be shown.

(b) The quarterly identification, showing the quarter for which an allotment is valid, must be shown on all authorized controlled material orders, except as described in paragraph (c) below, and on all allotments, immediately following the abbreviated allotment number—for example, W-1-3Q43. The abbreviated allotment number is the same thing as the major program number, that is, the Claimant Agency symbol followed by the first digit of the program number. In the case of an allotment to a prime consumer designated W-1234-567, the abbreviated allotment number is W-1. The quarterly identification is not a part of the allotment number.

(c) It is not necessary to show any quarterly identification on orders for controlled materials where they are being bought under a blanket symbol (such as the MRO symbol assigned by CMP Regulation No. 5) where the use of the symbol is not limited to any particular quarter. This is also true in the case of orders bearing the SO symbol. (Issued Aug. 23, 1943.)

INTERPRETATION 15—CONFLICT IN PRODUCTION SCHEDULES OF CLASS A CIVILIAN TYPE END PRODUCTS

(a) Paragraph (q) of CMP Regulation No. 1 provides that where a manufacturer discovers a conflict between accepted production schedules received from different persons, he should report the matter to the appropriate Industry Division (or Claimant Agency under certain circumstances) for instructions.

(b) Under the provisions of this paragraph, a manufacturer of a Class A Civilian Type End Product who has received allotments and an authorized production schedule from various Claimant Agencies and from an Industry Division of the War Production Board, and who discovers, because of labor shortage, lack of capacity, delays in delivery of material, or other causes, that he is unable to meet all authorized production schedules, should report the details of this conflict to the appropriate Industry Division so it can furnish directions. (Issued Aug. 28, 1943.)

INTERPRETATION 16—FURNISHING MATERIALS TO SUBCONTRACTORS

(a) Instead of making an allotment of controlled material to a manufacturer of Class A products, a manufacturer operating under the Controlled Materials Plan may use any of the following alternatives with the consent of his supplier:

(1) He may sell the material to his supplier from his own inventory.

(2) He may furnish the material to his supplier on toll or processing agreement, retaining title in himself.

(3) He may place an authorized controlled material order for delivery to himself and trans-ship the material to his supplier, either by sale or under toll or processing agreement.

(4) He may place an authorized controlled material order for delivery direct to the supplier.

(b) In each of the above cases, the customer does not make any allotment, and the supplier does not have to keep any allotment records. The supplier must, however, keep sufficiently accurate records to show that he is using the material for the purpose for which it was received. The customer furnishing the material includes it in his own requirements in the same way as if he were going to allot it, and he may not furnish it to his supplier except under conditions where he could make an allotment under CMP Regulation No. 1.

(c) The making of allotments by customers to suppliers of Class B products is forbidden by paragraph (g) of CMP Regulation 1, since these allotments are made directly to the Class B producers by the War Production Board and duplicating allotments would make inaccurate the Board's figures as to requirements and supply. For the same reason, a customer may not furnish any controlled material to the producer of a Class B products in any of the ways mentioned in paragraph (a) above without getting special permission from the War Production Board. (Issued Sept. 11, 1943.)

INTERPRETATION 17—COPPER FLAKE POWDER

Copper or copper-base alloy powder is listed in Schedule I of CMP Regulation No. 1 as a controlled material. This listing does not cover flake powder. Consequently, copper or copper-base alloy flake powder is not a controlled material. However, it continues to be governed by the provisions of Orders M-9-b and M-9-c and other applicable orders of the War Production Board. (Issued Sept. 14, 1943.)

INTERPRETATION 18—ANALYSIS OF ORDERS BY CLAIMANT AGENCY SYMBOLS—SECTION A OF FORM CMP-4B

(a) A person applying for an allotment on Form CMP-4B is required to show in Section A of the form an analysis of his orders or shipments by Claimant Agency symbols. The applicant must analyze his orders on the basis of the Claimant Agency symbols appearing on his customers' orders. Where no Claimant Agency symbol appears on a customer's order, the order must be reported under "unidentified".

(b) An applicant must not, in any case, attempt to trace the ultimate end-use of his product for the purpose of filling out Section A of Form CMP-4B. For example, if he receives an order with a preference rating bearing the symbol "B-1", he should report this under the symbol "B" even if he knows that that particular order is for a component of a product that eventually will be sold to the Navy. Or, if he receives an order with a preference rating but no Claimant Agency symbol, he should report this under "unidentified", even if he knows that that particular order is for a component of a product that eventually will be sold to the Navy.

(c) A person who receives a rated order must accept and fill it in accordance with Priorities Regulation No. 1 whether it is identified by a Claimant Agency symbol or not. He does not have the right to assume that his customer is required to show a symbol on his order since in many cases it is not necessary to show a Claimant Agency symbol in applying or extending a rating. There is no reason, however, why a person should not inform his customers of the provisions of paragraph (f) of CMP Regulation No. 3 (see Interpretation No. 3 to CMP Regulation No. 3) and paragraph (z) of CMP Regulation No. 6 which require the compulsory use of Claimant Agency symbols for purposes of identification on certain rated orders. (Issued Sept. 14, 1943.)

[F. R. Doc. 43-16198; Filed, October 4, 1943; 11:50 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 34 to CMP Regulation 1]

CLASS A FACILITIES NOT RELATED TO CONSTRUCTION

The following direction is issued pursuant to CMP Regulation 1.

(a) This direction tells how you may apply for priorities assistance to buy a Class A facility from the manufacturer of the facility where an allotment of controlled material is needed and where you cannot apply for priorities assistance under CMP Regulation No. 6—"Construction and Facilities".

(b) The term "facility" means any machinery or equipment which is generally carried as a capital item. Your local WPB office will tell you whether the facility you wish to buy is a Class A product and you should check with it if you have any doubt as to whether you should follow this procedure.

(c) This direction does not deal with the case where a Class A facility is to be bought from a distributor, or as a minor capital addition under paragraph (b) (3) of CMP Regulation No. 5 (or under similar provisions of other regulations or orders), or where the facility is a Class B product, since the purchaser does not take any part in getting allotments of controlled materials in these cases.

(d) If you want to buy a Class A facility under this direction and an allotment of controlled materials is needed for its manufacture, you should file an application for priorities assistance with the War Production Board, Washington, D. C. (Note that in this case the application need not be filed with the local WPB office). In most cases the application should be made on Form WPB-541 (formerly PD-1A), but there are special forms for special products which your local WPB office will explain. Before filing your application you should have the manufacturer from whom you intend to buy the facility fill out and sign a Form CMP-4A application for an allotment of the controlled materials needed to make the facility. In preparing the form only items 3, 4, 5, 6 and 7 and section B need be filled in. This form, together with one copy, should be filed along with your application.

(e) If your application is approved, the War Production Board will assign a rating for the purchase of the facility and will make an allotment on CMPL-150 of the controlled materials needed to make the facility. You will use the rating in placing your order for the Class A facility and will make an allotment on CMPL-150A to the manufacturer of the facility. The manufacturer may use the allotment and preference rating assigned for the production of the facility to buy controlled materials, Class A products, Class B products and other products and material needed as production material to make the facility. The manufacturer may not use the allotment or rating for any other purpose. The manufacturer must accept and fill your order, or reject it, as required by paragraph (p) of CMP Regulation No. 1 relating to the protection of production schedules for Class A products. If the manufacturer is compelled to reject the order under paragraph (p), you may place your order with any manufacturer whom you may select, and if he is in a position to accept the order under paragraph (p) you may, without further action by the War Production Board, make the allotment to him.

(f) If you need an allotment of controlled materials for a Class A facility which you will make for yourself and which you cannot apply for under CMP Regulation No. 6, you may follow the procedure outlined in this Direction just as though you were going to buy the facility from a manufacturer. In such a case you may use the allotment and preference rating assigned for the production of the facility to buy controlled materials, Class A products, Class B products and other products and material needed as production material to make the facility.

Issued this 4th day of October 1943.

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

[F. R. Doc. 43-16197; Filed, October 4, 1943; 11:50 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Schedule III to Limitation Order L-152]

BABY CARRIAGES

§ 3291.288 *Schedule III to Limitation Order L-152.* Pursuant to paragraph (b) (3) of Limitation Order L-152, the following production quotas for carriages are hereby established for the fourth quarter of 1943:

(a) *Group I and Group II carriages.* Each manufacturer named below is authorized to produce during the period from October 1 to December 31, 1943, the number of Group I and Group II carriages set forth opposite his name.

	Number of carriages		
	Group I		Group II
	Maximum steel 6 pounds	Maximum steel 9 pounds	
Atlas Baby Carriage Co., New York, N. Y.		3,500	
Baby Jeep Co., Winston-Salem, N. C.	10,000		
Bilt-Rite Baby Carriage Co., Brooklyn, N. Y.		6,000	150
Collier-Keyworth Co., Gardner, Mass.		8,500	
George Cooper Mfg. Co., New York, N. Y.		2,000	
Custom-Bilt Mfg. Co., Gardner, Mass.	3,000		
Hartman Mfg. Co., St. Louis, Mo.		6,400	
C. H. Hartshorn Co., Gardner, Mass.		4,500	
Hedstrom-Union Co., Gardner, Mass.		21,000	200
Heywood-Wakefield Co., Mass.	35,000		
Kroll Bros. Co., Chicago, Ill.		10,000	
Kuniholm Mfg. Co., Gardner, Mass.		27,000	
Leader Baby Carriage Co., New York, N. Y.		1,000	
Mahr-Bulton Co., Minneapolis, Minn.	8,000		
Packard Mfg. Co., St. Louis, Mo.	20,000		
Pearl Mfg. Co., New York, N. Y.		1,000	
Perfection Mfg. Co., St. Louis, Mo.		7,000	200
L. B. Ramsdell Co., Gardner, Mass.	1,000		
Rex Baby Carriage Co., New York, N. Y.		1,000	
O. W. Siebert Co., Gardner, Mass.		48,000	
South Bend Toy Co., South Bend, Ind.	5,000		
Storkline Furniture Corp., Chicago, Ill.		15,000	
Thayer Co., Gardner, Mass.		20,000	450
Wear-Ever Carriage Co., New York, N. Y.		4,000	
The Welsh Co., St. Louis, Mo.		60,000	
F. A. Whitney Co., Leominster, Mass.	15,000	10,000	500

(b) *Group III carriages.* Each manufacturer is authorized to produce during the period from October 1, 1943 to December 31, 1943, the number of Group III carriages which he actually produced during the period from July 1, 1943 to September 30, 1943 pursuant to Schedule II of Order L-152.

Issued this 4th day of October 1943.

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

[F. R. Doc. 43-16199; Filed, October 4, 1943; 11:50 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-30, as Amended October 4, 1943]

ETHYL ALCOHOL

§ 3293.66[1] *Allocation Order M-30*—(a) *Definitions.* (1) "Ethyl alcohol" means the product of that name, from whatever source derived. The term includes mixtures of ethyl alcohol and denaturants, including the product known as "proprietary solvent." The term does not include beverage alcohol.

(2) "Beverage alcohol" means ethyl alcohol produced for beverage purposes or ethyl alcohol tax paid and withdrawn for beverage purposes.

NOTE: Following paragraphs (3), (4), (5) were formerly designated (2), (3), (4).

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

(4) "Distributor" means any person who has purchased or purchases ethyl alcohol for purposes of resale.

(5) "Supplier" means a producer or distributor.

(b) *General restrictions on deliveries and use.* (1) No person shall accept delivery of ethyl alcohol from a supplier except in accordance with the procedure established by paragraph (c) or except upon specific written authorization of the War Production Board issued on application made pursuant to paragraph (d).

(2) No supplier shall deliver any ethyl alcohol except against a certificate furnished him under paragraph (e) or except upon specific written authorization of the War Production Board issued on application made by the supplier under paragraph (f).

(3) No supplier shall use any ethyl alcohol except upon specific written authorization of the War Production Board issued on application made by him under paragraph (d).

(c) *Acceptance of certain deliveries of 3500 gallons or less per quarter.* Any person may without specific written authorization of War Production Board accept delivery in any calendar quarter from all sources of not more than 3500 gallons of ethyl alcohol, subject to two conditions. The first condition is that he shall have furnished to each supplier from whom he obtains delivery a certificate substantially in the form set forth in Appendix C. The second condition is that the aggregate amount received (in no case in excess of 3500 gal-

[1] Formerly Part 971, § 971.1.

lons) must be within the following additional quantity limitations:

(1) Where the purpose for which delivery is requested is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 100% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Adhesives.
Agricultural poisons.
Brake fluids.
Cutting oils.
Drugs and pharmaceuticals (not including rubbing alcohol or products specifically listed in paragraphs (c) (3) or (c) (4)).
Embalming fluids.
Food products (except candy glazes, pectin and vinegar).
Laboratory and experimental.
Photographic materials (including photo engraving).
All other products not classified in paragraphs (c) (2) to (c) (6) inclusive.

(2) Where the purpose is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 50% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Candy glazes.
Cleaning and polishing preparations (including shoe and floor polishes).
Deodorant sprays (non-body).
Tooth cleaning preparations.
Witch hazel.
All toiletries and cosmetics including but not limited to:
Bay rum.
Body deodorants.
Face and hand creams and lotions.
Hair and scalp preparations.
Perfume and perfume materials, tinctures and fixatives.
Shampoos.
Toilet soaps (including shaving cream).
Toilet waters.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of ethyl alcohol in the manufacture of a particular toiletry or cosmetic product may be used to support the acceptance of delivery for use in the manufacture of a different toiletry or cosmetic product. For example, ethyl alcohol used in the manufacture of toilet waters during the base period would support the receipt of ethyl alcohol for the manufacture of after-shave lotions containing ethyl alcohol.

(3) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 60% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Antiseptics for oral uses (including Antiseptic Solution N. F.).
Mouth washes.

(4) Where the purpose is the manufacture of any of the following products, there shall be no further limitation on the quantity received (beyond the requirement that only 3500 gallons may be accepted in a calendar quarter):

Acetaldehyde.
Acetic acid (except vinegar for food use).
Basic medicinal chemicals not in compounded form.
Biological preparations.
Butadiene.
Diethylamine.
Dyes and intermediates (manufacture of).
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (military and industrial).
Flotation reagents:
Fulminate of mercury.
Glycols.
Hydrosulfites.
Natural shellac (dissolving).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent)
Pectin.
Plastics and synthetic resins (manufacture of).
Styrene.
Xanthates.

(5) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 110% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Flavoring extracts.
Vinegar.

(6) Where the purpose is the manufacture of any rubbing alcohol compound or preparation, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 15% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

(7) Where the purpose is not the manufacture of other products but resale as ethyl alcohol, specific written authorization of War Production Board shall in every case be obtained, whatever the quantity, except as provided in (c) (8).

(8) Specific written authorization of War Production Board shall not be required for, and no limitation based on past use shall be applicable to, the acceptance of delivery by any person in any calendar quarter from all sources of not more than 162 gallons for any purpose other than the manufacture of rubbing alcohol compound or preparation.

(d) *Acceptance of deliveries (and use by suppliers) upon specific authorization.* Each person seeking specific authorization to accept delivery of ethyl alcohol during any calendar quarter, whether for his own consumption or resale (and each supplier requiring authorization to use ethyl alcohol in any calendar quarter) shall file application therefor on or before the 5th day of the last month of the preceding quarter. The application will be made on Form WPB-2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(e) *Certain deliveries by suppliers of 3,500 gallons or less per quarter.* (1) A supplier may without specific authorization of the War Production Board deliver to any person who has filed with him a certificate substantially in the form set forth in Appendix C, the quantity of ethyl alcohol (in no case more than 3,500 gallons in any calendar quarter) which such person is entitled to receive under one of the paragraphs (c) (1) to (c) (8) inclusive.

(2) A supplier may without such certificate and without authorization deliver not more than 162 gallons in any calendar quarter to any hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to acquire undenatured alcohol tax free.

(3) A supplier must not deliver ethyl alcohol where he knows or has reason to believe that the certificate is false, but in the absence of such knowledge or reason to believe he may rely upon it.

(4) If War Production Board issues written directions to suppliers reducing the quantities of ethyl alcohol which may be delivered pursuant to paragraph (e) (1), suppliers will rateably reduce all orders for ethyl alcohol from customers wishing it for the same class of use.

(f) *Deliveries by suppliers upon specific authorization.* Each supplier requiring specific authorization to deliver ethyl alcohol during any calendar quarter shall file application on or before the 15th day of the last month of the preceding quarter. The application will be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix B. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(g) *Special authorizations and directions.* (1) Authorizations and directions with respect to delivery to be made or accepted in each calendar quarter (and with respect to use by suppliers in each calendar quarter) will generally be issued by War Production Board prior to the beginning of such quarter, but War Production Board may at any time in its discretion and notwithstanding the provisions of paragraphs (c) (1) to (c) (8) inclusive issue directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of ethyl alcohol.

(ii) Production of ethyl alcohol, including raw materials which may be used.

(2) War Production Board may issue to suppliers and other persons, other and different instructions with respect to the preparation or filing of Form WPB 2947 (formerly PD-602) and Form WPB 2945 (formerly PD-600).

(h) *Special restrictions—rubbing alcohol, anti-freeze, beverage use.* (1) No person shall deliver ethyl alcohol or any compound or preparation containing

ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation: *Provided,* That this restriction shall not prevent deliveries to:

(i) A hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to receive undenatured alcohol tax free.

(ii) Licensed physicians, dentists and veterinarians.

(iii) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians.

(iv) A wholesale or retail druggist, for resale in accordance with this paragraph (h) (1) only.

(v) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation (in amounts not exceeding the amounts permitted by paragraph (c) (6) hereof), for resale in accordance with this paragraph (h) (1) only.

(2) The restrictions of this order shall govern delivery of ethyl alcohol to and acceptance of delivery of ethyl alcohol by any person for use in the manufacture of anti-freeze preparations, provided that:

(i) Any person may deliver or accept delivery of completed anti-freeze preparations containing ethyl alcohol without specific authorizations under this order; and

(ii) Nothing contained in this order shall be construed to permit the manufacture, delivery or acceptance of delivery of any anti-freeze preparation in violation of § 1100.1, Limitation Order L-51, as from time to time amended.

(3) No person shall deliver or accept delivery of ethyl alcohol or any compound or preparation containing ethyl alcohol for use, whether in its then form or after rectification or other treatment, for beverage purposes.

(i) *Special provisions—inventories, unfilled orders.* (1) Ethyl alcohol allocated for inventory shall not be used except as specifically authorized or directed in writing by War Production Board.

(2) Ethyl alcohol allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory as though originally allocated therefor.

(j) *Transactions outside the United States.* This order does not apply to deliveries of ethyl alcohol which are both made and received outside of the forty-eight states and the District of Columbia, or to the use of ethyl alcohol outside such states and District, but the import of ethyl alcohol shall be subject to all the provisions hereof.

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

(2) *Forms.* Forms WPB 2945 and WPB 2947, provided for in paragraphs (d) and (f) have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(3) *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.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.; Ref: M-30.

Issued this 4th day of October 1943.

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

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. File the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30, file one copy with each supplier with whom an order is placed, and retain the final copy for your files.

(3) *Information at top of page.* In the heading, under "Name of chemical," specify "Ethyl alcohol"; under "WPB Order No.," specify "M-30"; under "Indicate unit of measure," specify "Wine gallons." In space following heading "Name of supplier with whom this order is placed," state name of usual supplier and also specify his shipping point, if known.

(4) In headings at top of Tables I, III, and IV, substitute "quarter" for "month" and specify particular quarter and year; for example, "third quarter, 1943."

(5) *Proof.* In columns 1, 11 and 19, specify proof, whether pure or denatured, and if denatured, the formula number.

(6) *Primary product.* In column 3, applicant will specify his primary product in terms of the following:

Acetaldehyde.
Acetic acid (except vinegar for food use).
Adhesives.
Agricultural poisons.
Antiseptics for oral uses.
Basic medicinal chemicals not in compounded form.
Biological preparations.
Brake fluids.
Butadiene.
Candy glazes.
Cleaning and polishing preparations (specify).
Cutting oils.
Deodorant sprays (non-body).
Diethylamine.
Drugs and pharmaceuticals (other than rubbing alcohol and other products elsewhere in this paragraph specifically listed).
Dyes and intermediates (manufacture of).
Embalming fluids.
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (specify whether military or industrial).
Flavoring extracts.
Flotation reagents.
Food products (except candy glazes, pectin and vinegar).
Fulminate of mercury.
Glycols.
Hydrosulfites.
Natural shellac (dissolving).
Laboratory and experimental.
Mouth washes (other than antiseptics).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Photographic materials (including photo engraving).
Synthetic plastics and synthetic resins (manufacture of).
Rubbing alcohol compounds.
Styrene.
Toiletries and cosmetics (specify).
Tooth cleaning preparations.
Vinegar.
Witch hazel.
Xanthates.
Other products (specify).
Resale (as ethyl alcohol).
Inventory (as ethyl alcohol).

(7) *Product end use.* In column 4, applicant will specify ultimate use of the product which he manufactures. (Where, for example, applicant's primary product called for in column 3 is "ethylene glycol," the ultimate use of product might be "aircraft coolant.") Applicant must also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Where Form WPB 2945 is application for ethyl alcohol for resale or inventory (in each case as ethyl alcohol), leave column 4 blank. If primary product called for in column 3 is under allocation pursuant to War Production Board order, indicate in column 4 "WPB allocation order number."

(8) In column 10 (Remarks) specify quantity of ethyl alcohol used by you in the manufacture of each primary product shown in column 3 in that calendar quarter of the 12-month period ended June 30, 1941, which corresponds to the quarter for which delivery is requested.

(9) *Tables II, III and IV.* Fill out completely Tables II, III and IV, except that Table IV need not be filled out for primary products under allocation. In Table II, substitute word "quarter" for "month" throughout.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Form WPB 2947 (formerly PD-602) may be obtained at local field offices of War Production Board.

(2) *Number of copies.* Prepare an original and three copies, file the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30, retaining the third copy for your files.

(3) *Information at top of form.* In heading under "Name of Material," specify "Ethyl alcohol"; leave grade blank; under "WPB Order No.," specify "M-30"; under "Indicate unit of measure," specify "Wine gallons."

(4) In heading "This schedule is for deliveries to be made during the month/quarter ending _____, 194__," strike out word "month" and insert the quarter and year to which the application relates.

(5) *Listing of customers.* In column 1 list the name of each customer from whom you have received a Form WPB 2945 (formerly PD-600) respecting a delivery in the applicable quarter. Do not list names of customers who have not filed with you Form PD-600. If it is necessary to use more than one sheet to list the customers, number each sheet in order and show on the last sheet total orders for customers whose Form WPB 2945 shows that they propose to accept more than 3,500 gallons in the calendar quarter and the total orders from customers whose Form WPB 2945 shows that they propose to receive not more than 3,500 gallons.

(6) *Primary product and end use.* It is not necessary to show primary product or end use with respect to a customer who files Form WPB 2945 (formerly PD-600). Instead, in column 1-a, opposite the name of each such customer, enter "WPB 2945."

(7) *Other orders to be lumped according to use.* In column 1, the supplier need not list names of customers to whom he proposes to make delivery in the applicable quarter, pursuant to paragraph (e) (1) of this order, but will instead show the total quantity of ethyl alcohol for which he has received orders for delivery in such quarter under each of the paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) and (c) (8). To do so, he will list in columns 1 and 1-a, for example, "Total quantity ordered for delivery under paragraph (c) (1)," and will list in column 4 the total quantity represented by the orders placed pursuant to such paragraph.

(8) *Proof.* In column 7 (remarks), specify proof, whether pure or denatured, and if denatured, the formula number with respect to all ethyl alcohol for which customer has filed WPB 2945. Do not show this information respecting orders for which WPB 2945 has not been filed and which are lumped under (7) above.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 specifying himself as his supplier shall list his own name as customer on Form WPB 2947.

(10) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, columns 9 to 16, inclusive. Distributors will fill out only columns 10, 12 and 13.

APPENDIX C—CUSTOMER'S CERTIFICATE ON CERTAIN DELIVERIES OF 3500 GALLONS OR LESS (SEE PARAGRAPHS (C) (1) TO (C) (8), INCLUSIVE, AND (E) (1))

The undersigned hereby certifies to the War Production Board and to his supplier:

A. That the _____ gallons of ethyl alcohol hereby ordered for delivery in the _____ calendar quarter 194— [insert "fourth, 1943," "first, 1944," etc.] will be used for a class of use within paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c (5), (c) (6) [strike out inapplicable paragraph numbers]; that the quantity used by the undersigned in such class of use in the corresponding quarter of the 12-month period ended June 30, 1941, was _____ gallons; and that the amount ordered does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed _____% of the quantity used in such class of use in the corresponding quarter;

Or

B. That the ethyl alcohol hereby ordered for delivery in the _____ calendar quarter [insert "fourth, 1943," "first, 1944," etc.] does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed 162 gallons, and will not be used for the manufacture of rubbing alcohol compound or preparation.

[Fill out A or B but not both.]

_____ _____
Date Name of Purchaser

By _____ _____
Duly Authorized Official Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) Prepare one copy for each supplier with whom an order is placed and one copy for your files. Wherever possible file certificate with supplier not later than the 5th day of the last month of the quarter preceding the quarter in which you wish to receive delivery. The certificate may be endorsed on the purchase order or be a separate paper. Do not file a copy with War Production Board.

(2) The certificate shall be signed by the purchaser, or an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

[F. R. Doc. 43-16193; Filed, October 4, 1943; 11:51 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M-336 as Amended Oct. 4, 1943]

GLYCOL ETHERS

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

§ 3293.481[1] *Allocation Order M-336*—(a) *Definitions.* (1) "Glycol ethers" means the monobutyl ether of ethylene glycol, the monomethyl ether of ethylene glycol, the monoethyl ether of ethylene glycol, and the monoethyl ether of diethylene glycol.

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

(3) "Distributor" means any person who buys glycol ethers for resale without further processing.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver glycol ethers to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of glycol ethers which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form PD-602 which is to be filed by the supplier with War Production Board as explained in paragraph (f) below.

(3) If a supplier is authorized or directed by War Production Board to deliver glycol ethers to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, he must immediately notify War Production Board, Chemicals Division, Washington, D. C., Ref: M-336, and shall not deliver to anyone else, or use, the glycol ethers until he received further instructions.

(c) *Exceptions for small deliveries.* (1) Specific authorization in writing by War Production Board shall not be required for the delivery by any supplier to any one person in any one calendar month of not more than 400 pounds of monobutyl ether of ethylene glycol or of not more than 430 pounds of monomethyl ether of ethylene glycol or of not more than 410 pounds of monoethyl ether of ethylene glycol or of not more than 460 pounds of monoethyl ether of diethylene glycol.

(2) Except as otherwise specifically authorized or directed in writing by War Production Board, no producer shall in any calendar month deliver pursuant to paragraph (c) (1) hereof, an aggregate quantity of any glycol ether in excess of 5% of the total quantity of that glycol ether which he has been specifically authorized or directed in writing to deliver during such month.

(d) *Restrictions on use.* (1) No supplier shall use glycol ethers except as specifically authorized or directed in writing by War Production Board.

(2) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of glycol ethers to be delivered to, or then in the inventory of, the prospective user.

(e) *Customer to furnish statement of use.* Each person who wishes to obtain delivery in any calendar month of more than 400 pounds of monobutyl ether of ethylene glycol or more than 430 pounds of monomethyl ether of ethylene glycol or more than 410 pounds of monoethyl ether of ethylene glycol or more than 460 pounds of monoethyl ether of diethylene glycol (whether for own consumption or for resale) shall file a statement with respect to the intended use thereof on or before the 20th day of the preceding month, except that the statement with respect to proposed receipts in July, 1943, need not be filed before June 28, 1943. Such statement shall be made on Form PD-600 in the manner set forth in the general instructions appearing on that form, subject to the special instructions

[1] Formerly Part 3279, § 3279.1.

contained in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed. War Production Board may issue to any person further and different instructions with respect to preparing and filing Form PD-600.

(f) *Applications by suppliers.* Each supplier requiring authorization to make delivery of, or to use, glycol ethers during any calendar month, beginning with August, 1943, shall file application on or before the 25th day of the preceding month. Applications respecting deliveries or use in July, 1943, shall be filed not later than June 28, 1943. In any case, the application shall be made on Form PD-602 in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed. War Production Board may issue further and different instructions to any supplier with respect to preparing and filing Form PD-602.

(g) *Effective dates for monomethyl ether of ethylene glycol and monoethyl ether of ethylene glycol.* Monomethyl ether of ethylene glycol and monoethyl ether of ethylene glycol shall be subject to paragraphs (b), (c) and (d) effective on and after November 1, 1943, and applications and reports with respect to these materials shall be filed pursuant to paragraphs (e) and (f) commencing October 1943.

NOTE: Following paragraph (h) was formerly designated (g).

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

(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-336.

Issued this 4th day of October 1943.

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

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMERS' FORM PD-600

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

(2) Prepare an original and two copies. Forward original to War Production Board, Chemicals Division, Washington, D. C., Ref: M-336, forward one copy to the supplier with whom order is placed, and retain the second copy for your files.

(3) A customer who wishes to obtain delivery of monobutyl ether of ethylene glycol, monomethyl ether of ethylene glycol, monoethyl ether of ethylene glycol and monoethyl ether of diethylene glycol must file a separate set of PD-600 with respect to each.

(4) In the heading under "Name of chemical", specify "Monobutyl ether of ethylene glycol" or "monomethyl ether of ethylene glycol" or "monoethyl ether of ethylene glycol" or "Monoethyl ether of diethylene glycol" as the case may be; under "WPB Order No.", specify "M-336"; under "Indicate unit of measure", specify "pounds".

(5) In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) Leave blank Columns 1 and 11.

(7) In Column 3 (Primary Product) applicant must specify in terms of the following, the product or products in the manufacture or preparation of which he will use glycol ethers:

Carburizing fluids.
Chemical manufacture (describe product).
Cosmetics.
Coupling agent (describe product).
General solvent (describe—example: marking ink, dyestuffs, lacquers, woodstain, other).
Hydraulic fluids.
Metal cleaners.
Metal cutting oils.
Textile oils.
Others (describe).
Resale [as glycol ether].
Inventory [as glycol ether].

(8) In Column 4 (Product End Use) applicant will specify with respect to each primary product, the ultimate use to which such primary product will be put in terms of the following: civilian, industrial, Lend-Lease, other export, and military, and if such product is to be used for uses falling in two or more such categories, the percentage falling in each. He will also indicate in the case of military use, contract and specification numbers.

(9) Applicant will fill out completely Table II.

(10) Tables III and IV will be left blank in their entirety.

(11) War Production Board may, for no other reason than the failure of a customer to file PD-600 in the manner herein indicated, refuse to authorize a supplier to make shipment to such customers.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIERS' FORM PD-602

(1) Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

(2) Prepare an original and three copies. File the original and two copies with War Production Board, Chemicals Division, Washington, D. C., Ref: M-336, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) Where the supplier's application relates to deliveries of different glycol ethers, he will file a separate set of Form PD-602 for each.

(4) In the heading, under "Name of material", specify "Monobutyl ether of ethylene glycol" or "monomethyl ether of ethylene glycol" or monoethyl ether of ethylene glycol" or "Monoethyl ether of diethylene glycol", as the case may be; leave blank the space following "grade"; under "WPB Order No.", specify "M-336"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure" specify "Pounds"; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) In Column 1 (except for small orders as explained in (7) below) list names of customers from whom orders for delivery during the month to which the application relates have been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(6) In Column 1-a (except for small orders as explained in (7) below), supplier will specify the product or products in the manufacture or preparation of which the glycol ether will be used by his customer, as indicated in Column 3 of PD-600 filed with supplier by his customer pursuant to paragraph (f) hereof. The quantity of the glycol ether used in the manufacture or preparation of each product for each product use shall be shown separately. If the glycol ether ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the glycol ether ordered for each use.

(7) It is not necessary to list the name of any customer to whom not more than 400 pounds of monobutyl ether of ethylene glycol or not more than 430 pounds of monomethyl ether of ethylene glycol or not more than 410 pounds of monoethyl ether of ethylene glycol or not more than 460 pounds of monoethyl ether of diethylene glycol is to be delivered in the applicable month, nor, in the case of any such delivery, the name of the product or the end use. Instead, supplier will write in Column 1 "Total small order deliveries (estimated)" and in Column 4, will specify the total estimated quantity so to be delivered.

(8) A producer requiring permission to use a part or all of his own production of the glycol ether shall list his own name as customer in Column 1 on Form PD-602, specifying quantity required and product manufactured. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use the glycol ether in the quantity and for the purposes indicated in such approved form.

(9) Leave Column 6 blank.

(10) Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will leave Column 8 blank.

[F. R. Doc. 43-16194; Filed, October 4, 1943; 11:51 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 70]

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. The first sentence of section 3.1 (a) is amended by inserting the following after the word "transfer,":

. . . or for industrial use, . . .

2. Section 3.1 (b) is amended by inserting the following after the word "transfer,":

. . . or for industrial use, . . .

3. Section 3.1 (e) is amended to read as follows:

(e) *Certain places where processed foods are produced only for own use are not processor establishments.* A place at which a person produces or imports processed foods only for his own use (other than industrial use) and not for sale or transfer is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

4. The first sentence of section 3.2 (c) is amended to read as follows:

A processor who produced and imported less than 10,000 pounds of processed foods during 1942, must register but need not file a report for any reporting period after that covered in his registration. . . .

5. Section 3.2 (f) is amended to read as follows:

(f) *Registration of persons who become processors because of additions to the list of processed foods, or because of changes in the definition of processor and processor establishment.* A person who becomes a processor because the foods he produced are added to the list of processed foods or because of changes in the definition of processor or processor establishment must, within eight days after such addition or change, file a report on OPA Form R-1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

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

[1] 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7353, 7490, 7589, 8357, 8705.

6. Section 4.2 (b) is amended to read as follows:

(b) *Reports.* Every wholesaler must file periodic reports, also on OPA Form R-1310, covering the operations of his wholesale establishment during each reporting period set forth in Appendix B. The report must be filed by him or by his authorized agent. If he has more than one wholesale establishment he must file a separate inventory report for each on Schedule B of that form, except that he may combine on a single inventory report all his wholesale establishments in a single state. He must also file a combined Schedule A of that form covering all of his wholesale establishments. The first report which must be filed is for March 1943 and is part of his registration. Reports for reporting periods must be filed within eight days after the end of the reporting period.

7. Section 6.6 (i) is added to read as follows:

(i) *Report of point-free acquisitions.* An industrial user who, between March 1 and October 4, 1943, inclusive, produced processed foods or at any time after February 28, 1943, acquired processed foods without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the processed foods so produced or acquired, must report such production and acquisition and the amount produced or acquired when applying for his next allotment. The processed foods so produced or acquired shall be treated as excess inventory.

8. Section 16.8 is added to read as follows:

SEC. 16.8 *Persons engaged in the wholesale distribution of items similar to processed foods must file reports.* (a) Every person who would be a wholesaler under this order, if the foods he sells or transfers were included in the list of processed foods, must, if he sells or transfers any of the following food items, file periodic reports on, and give all the information called for by OPA Form R-1310:

(1) Jams, jellies, preserves, fruit butters, pickles, or relishes;

(2) Fruit or vegetable juices in hermetically sealed containers over one (1) gallon;

(3) Dried or dehydrated fruits; or

(4) Dried or dehydrated soups or soup bases.

(b) The first report is for the period from September 5 to October 2, 1943, inclusive, and must be filed, by mail with the Office of Price Administration, care of the Bureau of Census, Washington, D. C., not later than October 10, 1943. Reports for each subsequent reporting period (listed in Appendix B) in which he sells or transfers any of the food items listed in paragraph (a) of this section, must be filed not later than eight days after the end of such reporting period.

9. Section 21.1 (a) (22) is added to read as follows:

(22) "Industrial use" means any use of "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food.

10. Section 21.1 (a) (16) is amended by adding the following sentence between the third and fourth sentences:

Also, a transfer takes place when an industrial user uses processed foods which he produced or imported after October 4, 1943.

This amendment shall become effective 12:01 a. m., October 5, 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. 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 1st day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16047; Filed, October 1, 1943; 4:45 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-5]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

In the judgment of the Lubbock District Director, the prices of food and beverages sold for immediate consumption in the Lubbock, Texas, District, composed of the Counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum in the State of Texas, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Lubbock District Director, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Lubbock District Director gave due consideration to prices prevailing between October 1 and 15, 1941, and

consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.[1]

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Lubbock District Director hereby issues this Restaurant Maximum Price Regulation No. 5-5, establishing as maximum prices for food and drink sold for immediate consumption in the Lubbock, Texas, District composed of the above named counties, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.405 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Lubbock District Director by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Executive Order No. 9328, General Order No. 50, and Order of Delegation of Authority issued by the Regional Administrator of Region V, Restaurant Maximum Price Regulation No. 5-5 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is issued.

AUTHORITY: § 1448.405 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 5-5—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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SECTION 1. *Sales at higher than ceiling prices* prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure ceiling prices for food items and meals you did not offer in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class as the new food item or meal, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4.

SEC. 4. *How you figure your prices for seasonal items.* First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided,* That in no event shall the price be higher than the ceiling price as originally determined. *If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.*

SEC. 5. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 A Class 24a.

Example 1. If your highest price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

Example 2. You served sirloin steak in March at $1.50. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is $1.50.

SEC. 6. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

SEC. 7. *Prohibition against manipulation of meal offerings.* You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

[1] Filed as part of the original document. Copies may be obtained from the Office of Price Administration.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, $1.00, $1.10, $1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. *Evasion.* (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect during the base period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve month period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at $1.10, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at $1.10.

Example 2. If you offered table d'hote dinners during the base period at 85¢ to $1.25 which included dessert and beverages, you may now offer the same food item excluding dessert and beverage at 65¢ to $1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing regulations or rationing order of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. *Rules for new proprietors.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceilings prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices are so fixed as to be too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

SEC. 10. *Seasonal eating and drinking places*—(a) *Exempt places.* If you are the proprietor of a seasonal eating or drinking place that

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 per cent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued:

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 22 of this Regulation. Pursuant to this latter section, the Lubbock District Director will, by special order, establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3, and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraph (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date your plan to commence operations and present the following information:

(i) Your name and address

(ii) A brief description of your business and the manner of operation

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season

(iv) The date when you plan to commence operations

(v) The names of two establishments similar to yours

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may, at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. *Records.* (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-day period.

(d) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) of General Order 50 except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less, than prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning September 22, 1943, each menu must have clearly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceiling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time.

SEC. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 5-5 applies to the Lubbock, Texas, District composed of the Counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum in the State of Texas.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishments as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch, and dinner), number of persons served per day during the most recent thirty-day period,[1] and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours,

(5) A list showing your present maximum prices and your requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by any District Office that has been authorized to do so by order of the regional office.

SEC. 20. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantities only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 18.)

[1] In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.

(a) *The classes of food items.*

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices
2. Cereals
3. Entrées: egg and combination egg dishes served at breakfast
4. Entrees: meat and meat combination dishes served at breakfast
5. Entrees: all other dishes served at breakfast
6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast
7. All other breakfast dishes including jams, jellies, and preserves

OTHER ITEMS

8. Appetizers, except alcoholic cocktails
9. Soups, including soups in jelly
10. Beef; steaks and roasts
11. Veal; steaks, chops, and roasts
12. Pork; loin, chops, steaks, roasts
13. Lamb or mutton; chops, roasts
14. Poultry and fowl
15. Fish and shell-fish
16. Game
17. Miscellaneous and variety meats, including liver and kidneys
18. Prepared dishes, such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof
20. All other dishes such as spaghetti and combinations, vegetable platters, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes
22. Salads (except as served as a main course or appetizer course in a meal)
23. Desserts: cakes, cookies, pies, pastries and other baked goods
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts
24a. Desserts: seasonal dessert specialties such as watermelon and canteloupe
25. Desserts: all others, including fruits, puddings and cheese
26. Cold sandwiches, including garnishings, salads, and vegetables
27. Hot sandwiches, including garnishings, salads and vegetables
28. All other food items served in a meal including mints and preserves
29. Beverage foods, including coffee, cocoa, chocolate, tea and milk

BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters
31. Alcoholic malt beverages, including beer and ale
32. Wines, including sparkling wines
33. Liquors, including whiskeys, gins and brandies
34. Cordials, including fruit liqueurs
35. All other alcoholic beverages

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

SEC. 23. *Licensing.* The licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to all persons whose maximum prices are regulated by this regulation.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with and acted upon by the Lubbock District Director.

This regulation shall become effective September 22, 1943.

NOTE: The 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.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of September 1943.

HOWARD R. GHOLSON,
District Director.

[F. R. Doc. 43-16048; Filed, October 1, 1943; 4:45 p. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[1] Amdt. 2]

DISTILLED SPIRITS AND WINES

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

Maximum Price Regulation No. 445 is amended in the following respects:

1. The note following section 1.4 (a) (2) (ii) is amended to read as follows:

NOTE: For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage mark-ups provided in Article V. However, an importer who, prior to August 9, 1943 operated both import and wholesale divisions, and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe those practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those practices, treat his retail division in like manner.

2. The note following section 1.5 (a) (2) (ii) is amended to read as follows:

NOTE: One item shall be considered of the same type designation as another only if both items are within the same classification and subclassification of identity under applicable United States labeling laws and regulations, and only if the following matters as stated on the label thereof are identical: Proof, age, vintage, alcohol content, country of origin and container size.

For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage mark-ups provided in Article V. However, an importer who prior to August 9, 1943 operated both import and wholesale divisions, and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe those practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those practices, treat his retail division in a like manner.

3. Section 1.7 (b) is amended to read as follows:

(b) *Importers' maximum prices for certain commodities.* An importer's maximum price for any commodity listed below, when imported and sold as hereinafter provided for, shall be determined according to its base figure as follows:

(1) *Base figures for certain imported commodities.*

Commodity	*Base figure*
Cuban gin (as defined in section 7.12)	$1.75
Mexican gin (as defined in section 7.12)	$1.90

(2) *When imported and sold in bulk by the importer.*

NOTE: Maximum prices for sales of any such commodity in bulk by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this Regulation.

An importer's maximum price for sales of any such commodity imported and sold by him in bulk shall be as follows:

(i) *Sales in bond.* Its base figure per original proof gallon f. o. b. port of entry, plus inland freight (if paid by the importer) to transport the particular quantity from port or point of arrival in continental United States to the bonded warehouse where it is at date of sale. "Original proof gallon" shall be determined according to first customs gauge in the United States. Freight shall be figured at the carload rate in effect at the date of shipment from port or point of arrival and shall not include hauling, drayage or handling in the metropolitan area of port or point of arrival or port of entry.

(ii) *Tax paid sales f. o. b. port of entry.* The maximum price provided under (i) above for a sale of the same quantity in bond, plus United States customs duties and United States excise taxes paid thereon by the importer at rates in effect

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

[1] 8 F.R. 11161, 11851.

on November 2, 1942. The amount of customs duties shall be determined on original proof gallons according to first customs gauge in the United States. The amount of excise taxes shall be determined on the number of proof gallons according to the regauge on which they are paid.

NOTE: No amount shall be added for license, income, franchise, receipts, sales, use or other similar taxes.

(3) *When imported in bulk, bottled domestically and sold in packages.*

NOTE: Persons other than the importer, bottling such commodity domestically or having it bottled for their account must establish their maximum prices for the packaged item by using the method herein provided for determination of the importer's maximum prices.

An importer's maximum price per case for sales of any such commodity imported in bulk, bottled domestically and sold in packages shall be as follows:

(i) *Sales to wholesalers and monopoly states.* The total of the following amounts paid by or for the account of the importer and applicable to the quantity in the case:

(*a*) The commodity's base figure per proof gallon bottled.

(*b*) United States customs duties and United States excise taxes at rates in effect on November 2, 1942.

(*c*) Inland freight from port or point of arrival in continental United States to port of entry nearest the plant where bottling or rectifying is done, and inland freight from port of entry to that plant at the carload rates in effect on the respective dates of shipment. Charges for hauling, drayage, or handling within the metropolitan area of such ports or point, or within the metropolitan area about such plant shall not be included.

(*d*) 2 percent of the total of (a), (b) and (c) above.

(*e*) A charge for bottling and casing as follows:

$1.50 per case of quarts or fifths.
$2.10 per case of pints.
$2.85 per case of half pints.

(*f*) Rectification tax, if any, at the rate paid.

(*g*) $1.70 per proof gallon bottled.

(*h*) The cost of strip stamps affixed to individual containers and any applicable state processing tax or state or local excise taxes at rates in effect on November 2, 1942.

NOTE: No amount shall be added for license, income, franchise, receipts, sales, use or other similar Federal, state or local taxes.

(ii) *Sales to retailers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, plus the percentage mark-up provided by Article V for sales of packaged imported distilled spirits by wholesalers to retailers.

(iii) *Sales to primary distributing agents.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers subject to any discount, allowance or price differential agreed upon by the particular importer and primary distributing agent.

(iv) *Sales to consumers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers plus the percentage mark-up provided by Article V for sales of packaged imported distilled spirits by retailers to consumers.

NOTE: Maximum prices for individual containers of such commodity shall be the maximum price per case to the particular class of customers divided by the number of individual containers customarily packed in the case.

4. Section 5.1 (b) (1) and (2) are amended to read as follows:

(1) Sales of items which the seller imports or has imported for his account. Either section 1.4 or 1.5 or 1.7 of Article I (as may be applicable) must be used to establish maximum prices for such sales. However, an importer who prior to August 9, 1943 operated both import and wholesale divisions and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe these practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those practices, treat his retail division in a like manner.

(2) Sales of items which the seller processes or has processed for his account. Maximum prices for such sales must be established under other applicable regulations or orders of the Office of Price Administration or under Articles III or IV (as applicable and when effective) of this regulation. However, a processor who prior to August 9, 1943 operated both a processing and a wholesale division and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe those practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, a processor who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those practices, treat his retail division in a like manner.

5. The note immediately preceding section 5.4 (a) is amended to read as follows:

NOTE: A wholesaler who is the processor or primary distributing agent of an item must not use this section to determine maximum prices for that item unless permitted to do so by other provisions of this regulation.

6. The note immediately preceding section 5.5 (a) is amended to read as follows:

NOTE: A retailer who is the processor or primary distributing agent of an item must not use this section to determine maximum prices for that item unless permitted to do so by other provisions of this regulation.

7. Section 7.12 (b) (2) is amended to read as follows:

(2) "Processor" means any person who:

(i) Produces or blends distilled spirits or wine, including (but not limited to) a distiller, rectifier or vintner; or who

(ii) Bottles under any brand name distilled spirits or wine belonging to him, or who

(iii) Causes distilled spirits or wine to be bottled or blended for his account under his own brand name or under a license contract.

8. Section 7.12 (e) (9) is added to read as follows:

(9) "License contract" means a written contract for the sale of domestic bulk distilled spirits or wine which authorizes the purchaser to bottle or to have bottled for him, and to sell such distilled spirits or wine under a trade mark or brand name owned by the seller of the bulk commodity.

This amendment shall become effective this 7th day of October 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 1st day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16033; Filed, October 2, 1943; 11:38 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33,[1] Amdt. 5]

CARDED COTTON YARNS AND THE PROCESSING THEREOF

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

Maximum Price Regulation No. 33 is amended in the following respects:

1. Section 1307.55 is hereby revoked.

2. Section 1307.67 Appendix B (k) is added to read as follows:

(k) *Premiums for bag closing twine on sales to a purchaser for use and not for resale.* The maximum price for bag closing twine when sold to a purchaser for use and not for resale shall be the applicable maximum price for the yarn plus the premium provided below:

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

[1] 7 F.R. 7557, 8348, 10070; 8 F.R. 2345, 3526, 9750.

	Premiums (percent)
Sales in 100 pound lots or less	10
Sales in 101 pound to 500 pound lots	7½
Sales in lots exceeding 500 pounds	5

This amendment shall become effective this 8th day of October 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 2d day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16117; Filed, October 2, 1943; 5:02 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 129]

PETROLEUM AND PETROLEUM 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.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.159 (b) (8) of Revised Price Schedule No. 88 is hereby revoked.

2. A new § 1340.159 (b) (8) is added to read as follows:

(8) *Free oil burner service.* Where a seller of fuel oil of Grade No. 5 or lighter was required prior to September 23, 1943 to furnish oil burner maintenance and repair services without charge in connection with the sale of such fuel oil, such seller may discontinue the giving of such free service without reducing his price for fuel oil below his maximum price as established under other provisions of this price schedule. The maximum price for all sales of oil burner maintenance and repair services shall be determined in accordance with Supplementary Service Regulation No. 19.[2]

This amendment shall become effective as of September 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16121; Filed, October 2, 1943; 5:03 p. m.]

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

[MPR 459,[3] Amdt. 1]

GUMMED KRAFT SEALING TAPE

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

Maximum Price Regulation No. 459 is amended in the following respects:

1. Section 14 (a) (15) is added to read as follows:

(15) "Comparable commodity" means a commodity which is made by the same seller, is recognized in the trade or industry as having the same general use or serviceability, and is most closely comparable by grade, cost and quantities of raw materials for a unit of the commodity, and is most nearly alike for the converting operations required. If more than one commodity can be regarded as comparable, the one whose current direct cost is closest to the current direct cost of the commodity being priced shall be regarded as the "comparable commodity." (Printing shall have no effect on the comparability of the commodity.)

2. In Appendix A (a) (3) the headnote is amended to read as follows:

(3) *Maximum prices for 100 rolls, 1 inch wide 50# basis weight, 650 feet per roll, 60# basis weight, 600 feet per roll, and 90# basis weight 375 feet per roll.*

3. Appendix A (a) (4) is amended to read as follows:

(4) *Maximum delivered price per 100 rolls in widths other than one inch to distributor.* (i) Maximum prices for rolls having widths of ¾", 1¼", 1½", 2", 2½", 3", and 4", or for any other width which during the period of October 1–15, 1941 inclusive, was sold on a directly proportional basis to the 1" roll price, shall be determined on a directly proportional basis with the maximum prices established in paragraphs (a) (1), (a) (2) and (a) (3) of this Appendix A.

(ii) Maximum prices for rolls having widths other than those specified in paragraph (a) (4) (i) above, shall be determined by adjusting the appropriate maximum price of gummed Kraft sealing tape for such grade as established in either paragraph (a) (1), (a) (2), or (a) (3) of Appendix A to reflect the customary differential employed by the manufacturer during the period of October 1–15, 1941 inclusive, between his price for rolls 1" wide of such grade and his price for rolls of such grade in the widths being priced, under this subdivision (ii).

4. The headnote of Appendix A (d) is amended to read as follows:

(d) *Manufacturers' maximum delivered prices for sales of all grades of gummed Kraft sealing tape which cannot be priced under paragraphs (a), (b), or (c) of Appendix A.*

5. Appendix A (d) (1) is amended to read as follows:

(1) If the manufacturer is unable to determine a maximum delivered price for a commodity under paragraphs (a), (b), or (c) above, he shall: (i) select the most comparable commodity (as defined in Section 14 of this regulation) for which a maximum price has been established under paragraphs (a), (b), or (c) above; (ii) divide his maximum price for the most comparable commodity by its current direct cost (as defined in Section 14 of this regulation); and (iii) multiply the percentage so obtained by the current direct cost of the commodity being priced.

6. Paragraphs (e), (f) and (g) of Appendix A are redesignated as (f), (g) and (h) respectively and a new paragraph (e) is added to read as follows:

(e) *Manufacturers' maximum delivered prices for sales of all grades of gummed Kraft sealing tape which cannot be priced under paragraphs (a), (b), (c), or (d) of Appendix A.* (1) If the manufacturer is unable to determine a maximum delivered price for a commodity under paragraphs (a), (b), (c) or (d) of Appendix A, he shall file an application for approval of a maximum price with the Office of Price Administration, Washington 25, D. C. The application shall set forth (i) description of the commodity for which a maximum price is sought, (ii) the reason why such commodity cannot be priced under paragraphs (a), (b), (c), or (d) of Appendix A, (iii) the maximum price proposed by the manufacturer together with a detailed explanation of the method by which the manufacturer calculated such price, (iv) the reasons why the manufacturer believes the proposed price to be in line with the maximum prices established by this regulation and (v) such additional pertinent information as this office may require.

(2) Unless the Office of Price Administration or a duly authorized representative thereof shall by letter mailed to the applicant within 21 days from the filing of such application approve, disapprove, adjust, amend or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment at any later time by the Office of Price Administration.

This amendment shall become effective October 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 2d day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16118; Filed, October 2, 1943; 5:02 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 219,[1] Amdt. 4]

NORTHEASTERN SOFTWOOD LUMBER

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

Revised Maximum Price Regulation 219 is amended in the following respects:

1. Under "Contents", "Article IX—Appendix E", etc. is amended to read as follows:

Article IX—Appendix E: Eastern hemlock lumber produced in New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia: Price tables.

2. Section 5 is amended to read as follows:

SEC. 5. *What products are covered*—(a) This regulation covers under the name of "Northeastern softwood lumber" all species and items of Eastern softwood lumber except softwood species covered by RMPR 19, MPR 412 and MPR

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

[1] 8 F.R. 3718.

[2] 8 F.R. 13060.

[3] 8 F.R. 11807.

[1] 8 F.R. 4948, 6620, 9779, 12442.

454, whether the species or item is specifically named in the price tables or not, and specifically the following softwood lumber produced in the States of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia, and in that part of the Dominion of Canada located east of the 85th meridian: Northeastern white pine (Pinus strobus), Norway pine (Pinus resinosa), Eastern hemlock (Tsuga canadensis), Eastern spruce (Picea rubra, Picea mariana, and Picea glauca), Eastern white cedar (Thuja occidentalis), and Jack pine (Pinus banksiana).

3. In section 16, paragraph (c) is amended to read as follows:

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application in the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

4. In section 21, the headnote and first sentence are amended to read *"Species, grades, services and extras not listed."* (a) If a seller wishes to sell a species or grade of Northeastern softwood lumber which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or extras for which additions are not specifically permitted, he must apply to the Lumber Branch of the Office of Price Administration, Washington, D. C. for a maximum-price".

5. In article IX—Appendix E. The title is changed to read: "Article IX—Appendix E: Eastern Hemlock lumber produced in New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia".

6. Section 37 is amended by deleting the words "and Pennsylvania" and inserting in lieu thereof a comma followed by "Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia."

7. In section 38 the headnote *"Granting rules"* is corrected to read *"Grading rules"*.

8. In section 39 *Maximum prices*, the text is amended to read as follows: "The maximum f. o. b. mill price per M'BM of Eastern Hemlock lumber in a rough air dried condition produced in the states of New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia shall be as set forth below:"

9. In section 39, the sub-headnotes to Tables 19, 20, and 21 are amended to read "[New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia]".

10. In section 39, the caption to Table 22 is amended to read "Estimated average weights for New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia".

This amendment shall become effective October 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16124; Filed, October 2, 1943; 5:03 p. m.]

PART 1386—SOAP AND GLYCERINE

[MPR 390,[1] Amdt. 3]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY RETAIL FOOD STORES

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

Maximum Price Regulation No. 390 is amended in the following respects:

1. Section 10 (a) definition of "Household soaps and cleansers" is amended to read as follows:

"Household soaps and cleansers" means:

(1) Any listed commodity, that is, any commodity for which a dollars and cents maximum price is established by this regulation, or

(2) Any soap, soap product, soapless detergent, or cleanser of a type customarily sold to household consumers, which is similar in type and function to a listed commodity.

As used in this definition "cleanser" refers to soap products containing powdered abrasive material with or without alkali builders, e. g. common kitchen cleanser or scouring powder. "Soapless detergent" refers to products which have the same use and purpose as soap, although they do not have the chemical composition of soap.

2. Section 16 is amended by deleting the first word of the first sentence of paragraphs (b) and (c), and inserting in lieu thereof: On or before October 30, 1943, any

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

[1] 8 F.R. 6428, 6947, 9360.

3. Section 16 (d) is redesignated section 16 (e), and a new section 16 (d) is added to read as follows:

(d) *Adjustment provision for group 3 or 4 stores in Region VII.* On or before October 30, 1943, any retail food store in Region VII of the Office of Price Administration which is subject to this regulation as a group 3 or 4 store, may apply to the appropriate regional office or any district office so authorized by its regional office, for an adjustment of its established maximum price for any listed household soap or cleanser to the price established for such household soap or cleanser for group 2 stores. Such application must conform to the requirements of Revised Procedural Regulation No. 1[2] and must show in addition to such requirements that:

(1) Applicant has customarily purchased more than 70 per cent of all its household soaps and cleansers from wholesalers; and

(2) It has consistently maintained prices for household soaps and cleansers prior to September 15, 1942, as high or higher than those charged by group 2 stores in the same community.

Upon such a showing the State or District Office of the Office of Price Administration shall adjust the applicant's maximum price on such household soap or cleanser to the maximum price established therefor by this regulation for group 2 stores.

"Customarily purchased" refers to the practice of the store during the fiscal year 1941; if it was not in operation in 1941, the most recent fiscal year shall be used, or if it has not been doing business for a full fiscal year, the most recent fiscal period shall be used.

"70 per cent" refers to the dollar amount of purchases of household soaps and cleansers.

4. Section 17 (d), the table of maximum prices for package soaps, is amended in the following respects:

a. Delete "Kirkman Granulated 24 24 .27" and insert in lieu thereof: Kirkman Granulated 24 24 .26.

b. Delete "Kirkman Granulated 21½ 24 .27" and insert in lieu thereof: Kirkman Granulated with bar 21½ 24 .27.

c. Insert in alphabetical order:

Octagon Granulated	24	24	.26
Octagon Flakes	18	24	.26

5. Section 18 (b), the table of maximum prices for bar laundry soaps, is amended in the following respects:

a. Delete "Crystal White Regular 100 .04" and insert in lieu thereof: Crystal White Regular 100 .05.

b. Delete "P & G White Laundry Regular 100 .04" and insert in lieu thereof: P & G White Laundry Regular 100 .05.

6. Section 18 (d), the table of maximum prices for package soaps, is amended in the following respects:

a. Delete "Kirkman Granulated 24 24 .27" and insert in lieu thereof: Kirkman Granulated 24 24 .26.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

b. Delete "Kirkman Granulated 21½ 24 .27" and insert in lieu thereof: Kirkman Granulated with bar 21½ 24 .27.

c. Insert in alphabetical order:

Octagon Granulated	24	24	.26
Octagon Flakes	18	24	.26

7. Section 19 (d), the table of maximum prices for package soaps sold by Group 3 and Group 4 stores, is amended in the following respects:

a. Delete "Kirkman Granulated 24 24 .24 .24" and insert in lieu thereof: Kirkman Granulated 24 24 .23 .23

b. Delete "Kirkman Granulated 21½ 24 .24 .24" and insert in lieu thereof: Kirkman Granulated with bar 21½ 24 .24 .24.

c. Insert in alphabetical order:

Octagon Granulated	24	24	.23	--	.23
Octagon Flakes	18	24	.23	--	.23

8. Sections 17, 18, 19 and 20 are amended by deleting, wherever it appears, the phrase "The seller's maximum price under the GMPR or," and inserting in lieu thereof, the following: "The seller's maximum price as determined under the GMPR, or".

This amendment shall become effective October 8, 1943.

(56 Stat., 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16120; Filed, October 2, 1943; 5:03 p. m.]

PART 1386—SOAP AND GLYCERINE

[MPR 391,[1] Amdt. 1]

HOUSEHOLD SOAPS AND CLEANSERS SOLD BY MANUFACTURERS AND CERTAIN WHOLESALERS

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

Maximum Price Regulation No. 391 is amended in the following respects:

1. Section 3 (a) (1) is amended to read as follows:

(1) "Household soaps and cleansers" means, in general, any soap, soap product, soapless detergent, or cleanser of a type customarily sold to household consumers. These products are defined in detail for the purpose of this regulation in section 11.

2. Section 5 (d), the table of maximum prices for package soaps, is amended in the following respects:

a. Delete "Kirkman Granulated 24 24 5.200" and insert in lieu thereof: Kirkman Granulated 24 24 4.900.

b. Delete "Kirkman Granulated 21½ 24 5.200" and insert in lieu thereof: Kirkman Granulated with bar 21½ 24 5.200.

c. Insert in alphabetical order:

Octagon Granulated	24	24	4.900
Octagon Flakes	18	24	4.900

3. Section 5 (g) (3) is added to read as follows:

(3) If the manufacturer did not deliver or offer to deliver such commodity during January 1943, the maximum price shall be the manufacturer's maximum price as determined under the General Maximum Price Regulation.

4. Section 6 (d), the table of maximum prices for package soaps, is amended in the following respects:

a. Delete "Kirkman Granulated 24 24 5.36 5.48" and insert in lieu thereof: Kirkman Granulated 24 24 5.05 5.16.

b. Delete "Kirkman Granulated 21½ 24 5.36 5.48" and insert in lieu thereof: Kirkman Granulated with bar 21½ 24 5.36 5.48.

c. Insert in alphabetical order:

Octagon Granulated	24	24	5.05	5.16
Octagon Flakes	18	24	5.05	5.16

5. The first sentence of section 6 (f) is amended to read as follows:

(f) *Instructions.* The maximum selling price of the products listed in the table above, when sold to a retail food store by a wholesaler who purchased the product sold on a less than carload basis, may be increased by a sum equal to the difference between the manufacturer's carload maximum price per case and the manufacturer's actual selling price per case for the quantity purchased.

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

(h) *Instructions.* Upon a sale of either a listed or unlisted household soap or cleanser by a branch unit of any manufacturer which performs a wholesaler function, the invoice price (not in excess of the manufacturer's maximum price) to the branch unit shall be deemed to be the actual cost of the household soap or cleanser.

7. The first paragraph of section 6 (i) is amended to read as follows:

(i) *Instructions.* The maximum price for a sale of any household soap or cleanser not listed in the table above shall be at the seller's option either the seller's maximum price as determined under the General Maximum Price Regulation, or:

8. Section 11 (a), definition of "Household soaps and cleansers" is amended to read as follows:

"Household soaps and cleansers" means:

(1) Any listed commodity, that is, any commodity for which a dollars and cents maximum price is established by this regulation, or

(2) Any soap, soap product, soapless detergent, or cleanser of a type customarily sold to household consumers, which is similar in type and function to a listed commodity.

As used in this definition "cleanser" refers to soap products containing powdered abrasive material with or without alkali builders, e. g. common kitchen cleanser or scouring powder. "Soapless detergent" refers to products which have the same use and purpose as soap, although they do not have the chemical composition of soap.

This amendment shall become effective October 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16119; Filed, October 2, 1943; 5:02 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 15, Correction]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

Amendment 15 to Maximum Price Regulation 373 is corrected by changing the date in paragraph (c) of the effective dates provision from "September 24, 1943" to "August 28, 1943."

This correction shall become effective as of August 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

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PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16122; Filed, October 2, 1943; 5:03 p. m.]

PART 1420—BREWERY, WINERY AND DISTILLERY PRODUCTS

[MPR 445,[2] Amdt. 3]

DISTILLED SPIRITS AND WINES

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

Maximum Price Regulation No. 445 is amended in the following respects:

1. The table of contents is amended to read as follows:

MAXIMUM PRICE REGULATION NO. 445—DISTILLED SPIRITS AND WINE

* * * * *

ARTICLE II—MAXIMUM PRICES FOR SALES OF CERTAIN BULK DOMESTIC DISTILLED SPIRITS BY ANY PERSON, FOR SALES OF CERTAIN RELATED PRODUCTS IN BULK BY ANY PERSON, AND FOR SALES OF BULK IMPORTED DISTILLED SPIRITS OR WINE BY PERSONS OTHER THAN THE IMPORTER THEREOF

Sec.
2.1 Purposes of Article II.
2.2 General rules for figuring maximum prices under this article.
2.3 Maximum prices for bulk domestic whiskey and bulk domestic brandy in distiller's original barrels.
2.4 Maximum prices for bulk domestic grape spirits and bulk domestic spirits-fruit, neutral brandy, high proof and high wines made from any fruits or berries except grapes.

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

[1] 8 F.R. 6435.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 10270, 10666, 10984, 11247, 11437, 12299, 12703.

[2] 8 F.R. 11161, 11851.

Sec.
2.5 Other provisions of this regulation applicable to sales for which maximum prices are established under this article.
2.6 Dates on which this article shall apply.

* * * * *

ARTICLE IV—MAXIMUM PRICES FOR SALES OF CERTAIN BULK DOMESTIC WINE AND RELATED PRODUCTS BY ANY PERSON, AND FOR SALES OF CERTAIN PACKAGED DOMESTIC WINE BY PROCESSORS

Sec.
4.1 Purposes of Article IV.
4.2 General rules for figuring maximum prices under this article.
4.3 Processors' maximum prices for California grape wine in bulk.
4.4 Wholesalers', packers', and retailers' maximum prices for California grape wine in bulk.
4.5 Processors' maximum prices for sales of packaged California grape wine.
4.6 Pricing provisions and instructions applicable to particular California grape wines and to certain related products.
4.7 Conversion of a maximum price for a change of container size.
4.8 Types and kinds of California grape wine for which a special maximum price may be authorized.
4.9 Application for authority to establish maximum prices.
4.10 Notice of maximum prices to consumers.
4.11 Other provisions of this regulation applicable to sales for which maximum prices are established under this article.
4.12 Dates on which this article shall apply.

* * * * *

ARTICLE VI—MAXIMUM PRICES FOR CERTAIN SERVICES RELATING TO THE PRODUCTION OF DOMESTIC DISTILLED SPIRITS OR WINE

Sec.
6.1 Purposes of Article VI.
6.2 General rules for figuring maximum prices under this article.
6.3 Maximum prices for specified services.
6.4 Other provisions of this regulation applicable to transactions for which maximum prices are established by this article.
6.5 Dates on which this article shall apply.

* * * * *

2. The title of Article II is amended; section 2.1 is revoked and a new section 2.1 is substituted therefor, and sections 2.2 through 2.6 inclusive are added to read as follows:

Article II—Maximum Prices for Sales of Certain Bulk Domestic Distilled Spirits by Any Person; for Sales of Certain Related Commodities in Bulk by Any Person, and for Sales of Bulk Imported Distilled Spirits or Wine by Persons Other Than the Importer Thereof

SEC. 2.1 *Purposes of Article II*—(a) *Generally.* Article II is designed to establish maximum prices for the following:

(1) Sales of certain bulk domestic distilled spirits by any person;

(2) Sales in bulk of certain products related to domestic distilled spirits when made by any person;

(3) Sales of bulk imported distilled spirits or wine by persons other than the importer thereof.

However, if on the date of a particular sale of a commodity described in (1), (2) or (3) above, a maximum price therefore cannot be established under this article, such maximum price shall be determined under other applicable regulations or orders of the Office of Price Administration.

(b) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article II supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before October 7, 1943, with respect to all sales to which it applies, including the applicable provisions of the following:

(1) The General Maximum Price Regulation; [2]

(2) Article II of Revised Supplementary Regulation No. 14; [3]

(3) Maximum Price Regulation No. 193,[4] as amended;

(4) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193;

Provided, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale until provisions of this article become applicable thereto pursuant to section 2.6.

SEC. 2.2 *General rules for figuring maximum prices under this article.* A seller required to establish maximum prices under this article must observe the following rules with respect thereto:

(a) *Customer classifications.* Where a maximum price is provided by sections 2.3 or 2.4, that maximum price applies to the classes of customers specified therein, or, if no class of customers be specified, then to all classes of customers.

(b) *Discounts, allowances, price differentials and terms if sale.* (1) Customary discounts in effect during March 1942 in accordance with a seller's March 1942 customer classifications must be applied to his maximum prices established under this article.

(2) If a seller makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this article.

(3) If a seller directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person) the seller must reduce his maximum price established under this article for that sale by an amount equal to interest at the rate of 5% per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the payment is refunded to the customer.

(c) *Procedure where no maximum price is provided in this article for a particular sale.* If a person desires to sell a commodity described in sections 2.3 or 2.4 of this article, and no maximum price is provided therein for the particular sale, that person shall make application to the Office of Price Administration, Beverage Section, Washington, D. C. for authority to establish such maximum price. The application shall be in writing signed by the applicant or by a duly authorized officer or agent thereof and shall state that it is filed under this section. It shall also contain the name and address of the applicant, the nature of his business, descriptions both of the commodity to be sold and of the particular sale applicant desires to make, and the maximum price which applicant desires to establish. After such application is filed, the Price Administrator may authorize the establishment of a maximum price for such sale by amendment to this regulation or by order. No person required to apply hereunder for authority to establish a maximum price for a particular sale shall make that sale until after such amendment or order is issued and becomes effective: *Provided,* That while the request for authority to establish a maximum price is pending on such application, the Office of Price Administration may permit applicant to sell, deliver, or agree to sell or deliver under an agreement with the customer to adjust the price charged to an amount not in excess of the maximum price later established under this article. Such permission may be given only if necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942 as amended, and may be given by letter or order signed by the Price Administrator, or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

SEC. 2.3 *Maximum prices for bulk domestic whiskey and bulk domestic brandy in distiller's original barrels.*

NOTE. "Bulk" domestic brandy" comprehends only brandy made from grapes. See definition of brandy in section 7.12 (a) (16).

(a) *Maximum prices for sales in bond.* Any seller's maximum price for a sale of bulk domestic whiskey, or bulk domestic brandy in distiller's original barrels, whether or not made by transfer of warehouse receipt or other evidence of title, shall be determined according to the age of the whiskey or brandy to be priced as set forth in paragraph (c) of this section.

(b) *Maximum prices for tax paid sales.* Any seller's maximum price for a tax paid sale of bulk domestic whiskey or bulk domestic brandy in distiller's original barrels, whether or not made by transfer of warehouse receipt or other evidence of title, shall be the maximum

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9391, 11955.

[3] 8 F.R. 9787, 9880, 10432, 10506, 10433, 10668, 10731, 10759, 10763, 10939, 10974, 10984, 10758, 11174, 11182, 11247, 11215, 11479, 11572, 11754, 11873.

[4] 7 F.R. 6006, 6940, 8947, 8948, 10008; 8 F.R. 1632, 2716, 7492, 8540.

price set forth in paragraph (c) of this section according to the age of the whiskey or brandy to be priced, plus the amount of United States excise taxes at rates in effect on November 2, 1942 paid by the seller and applicable to the particular whiskey or brandy to be priced.

(c) *Maximum price tables*—(1) *For bulk domestic whiskey in distiller's original barrels.*

Age (months)		Maximum prices per original proof gallon
More than—	Not more than—	
	2	$0.69
2	4	.73
4	6	.77
6	8	.81
8	10	.85
10	12	.89
12	14	.93
14	16	.97
16	18	1.01
18	21	1.07
21	24	1.13
24	27	1.19
27	30	1.25
30	33	1.31
33	36	1.36
36	39	1.41
39	42	1.46
42	45	1.51
45	48	1.56
48	51	1.61
51	54	1.65
54	57	1.69
57	60	1.72
60	63	1.75
63	66	1.78
66	69	1.81
69	72	1.84
72	75	1.87
75	78	1.90
78	81	1.93
81	84	1.96
84	90	1.98
90		2.00

NOTE.—Maximum prices set forth above include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942 and storage and all other charges applicable to the quantity being priced and accrued to date of sale together with brokerage commissions, if any, paid by the seller incident to the particular sale.

(2) *For bulk domestic brandy in distiller's original barrels.*

NOTE.—"Bulk domestic brandy" comprehends only brandy made from grapes.

Age (months)		Maximum prices per original proof gallon
More than—	Not more than—	
	24	$1.30
24	30	1.36
30	36	1.42
36	42	1.48
42	48	1.54
48	54	1.60
54	60	1.66
60	66	1.72
66	72	1.78
72	78	1.84
78	84	1.90
84		1.96

NOTE.—Maximum prices set forth above include al excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942 and storage and all other charges applicable to the quantity being priced and accrued to date of sale together with brokerage commissions, if any, paid by the seller incident to the particular sale.

(d) *Determination of age.* The age of bulk domestic whiskey to be priced hereunder shall be calculated by determining the number of full months intervening between the date of entry into bond (as indicated on the warehouse receipt) to and including the date of sale. The age of bulk domestic brandy to be priced hereunder shall be calculated by determining the number of full months intervening between the date of original gauge (as indicated on the barrel) to and including the date of sale. A full month shall be the period from the date of the month of the original entry into bond or original gauge, as the case may be, to but not including, the corresponding date of the following month, and in like manner from the corresponding date of each following month.

(e) *License contracts.* (1) Paragraphs (a), (b), (c) and (d) of this section shall not apply to sales or deliveries of bulk domestic whiskey made pursuant to a license contract entered into prior to February 3, 1943 at prices not in excess of those provided in such contract, or made pursuant to renewals after February 2, 1943 of such contracts entered into prior to February 3, 1943 if the renewal is made within 90 days after the expiration of the preceding contract or renewal at prices not in excess of those provided therein. Similarly, those paragraphs shall not apply to sales or deliveries of bulk domestic brandy made pursuant to a license contract entered into prior to October 1, 1943 at prices not in excess of those provided in such contract, or made pursuant to renewals after September 30, 1943 of such contracts entered into prior to October 1, 1943 if the renewal is made within 90 days after the expiration of the preceding contract or renewal at prices not in excess of those provided therein. Paragraphs (a), (b), (c) and (d) of this section shall, except as so provided, apply to sales, offers to sell or deliveries of bulk domestic whiskey and bulk domestic brandy in distiller's original barrels made pursuant to license contracts.

(2) Each seller of bulk domestic whiskey pursuant to a license contract entered into after March 31, 1942 and prior to February 3, 1943 and each seller of bulk domestic brandy pursuant to license contract entered into after March 31, 1942 and prior to October 1, 1943, shall file a true and correct copy of such contract with the Office of Price Administration, Beverage Section, Washington, D. C. on or before November 1, 1943.

NOTE: License contracts for the sale or delivery of bulk domestic whiskey, previously filed with the Office of Price Administration in accordance with Section 1420.13 (h) (3) of Maximum Price Regulation No. 193, need not be refiled.

(f) *Alterations of original proof.* No sales of bulk domestic whiskey or bulk domestic brandy shall be made at the maximum price per original proof gallon provided under (c) after the original proof of such whiskey or brandy has been altered, otherwise than as the result of aging.

(g) *Bulk domestic malt whiskey.* The preceding paragraphs of Section 2.3 shall not apply to sales, offers to sell or deliveries of bulk domestic malt whiskey. "Bulk domestic malt whiskey" means any and all malt whiskey produced in continental United States by distillation from a fermented mash of grain of which not less than 51% of the grain is malted barley or malted rye respectively, and sold in containers having a capacity of more than one wine gallon.

NOTE: Maximum prices for sales of domestic malt whiskey are to be determined under other applicable regulations or orders of the Office of Price Administration.

SEC. 2.4 *Maximum prices for bulk domestic grape spirits, and bulk domestic spirits-fruit, neutral brandy, high proof and high wines made from any fruits or berries except grapes*—(a) *For sales by the processor.* The processor's maximum price to a customer of any class for a commodity to which this section applies shall be $1.11 per proof gallon naked f. o. b. processor's premises in carload quantity. For sales in less than carload quantity, the processor may add 2½ cents per proof gallon to his maximum price naked f. o. b. processor's premises in carload quantity. If the processor furnishes the containers in which the commodity is packed and such containers become the property of the customer upon delivery of the commodity, the processor may make separate charge for the containers not in excess of his maximum price therefor.

NOTE: For sales on a delivered basis, the processor may add transportation charges per proof gallon from his point of shipment to the place of delivery at the rate actually paid (exclusive of expense of hauling, drayage or handling within the metropolitan area of such point or place.)

(b) *For sales by dealers who on and prior to October 1, 1943, maintained a warehouse.* (1) A dealer who, on and prior to October 1, 1943, maintained a warehouse for distribution and sale of any commodity to which this Section applies shall determine his maximum price for the commodity pursuant to this paragraph.

(2) Such dealer's maximum price per proof gallon of any quantity of the commodity, naked f. o. b. dealer's shipping point shall be the total of the following:

(i) *Processor's price.* $1.11 per proof gallon naked f. o. b. processor's premises.

(ii) *Container cost.* The amount per proof gallon which the processor is authorized to and does charge the dealer as the purchase price of containers of the quantity to be priced.

(iii) *Freight.* Transportation charges per proof gallon from the processor's premises to the dealer's customary receiving point for the commodity at the carload rate. No amount shall be included for

(*a*) Transportation charges on sales f. o. b. processor's premises where shipment is made directly to the customer at the customer's expense; or

(*b*) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point.

(iv) 10¼ cents per proof gallon of the quantity to be priced.

NOTE: For sales on a delivered basis, the dealer may add transportation charges per proof gallon from his point of shipment to

the place of delivery at the rate actually paid (exclusive of expense of hauling, drayage or handling within the metropolitan area of such point or place).

(c) *Tax paid sales.* Maximum prices for sales of bulk domestic grape spirits, and bulk domestic spirits-fruit, neutral brandy, high proof and high wines established by paragraphs (a) and (b) of this section are prices in bond. If a sale is made tax paid, the seller may add to his maximum price for the quantity in bond, the amount of United States excise taxes at rates in effect on November 2, 1942 paid by him to the taxing authority or to a prior vendor with respect to that quantity.

(d) *Deposit charges on containers.* Any seller who during March 1942 customarily required a deposit charge to assure the return of containers used in the shipment of a commodity to which this Section applies, may continue to require such deposit charge and may from time to time adjust such deposit charge to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices. Any seller who did not require a deposit charge for containers in March 1942 and who desires to do so, may institute such deposit charge and adjust the same from time to time to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices.

SEC. 2.5 *Other provisions of this regulation applicable to sales for which maximum prices are established under this article.* The following sections of Article VII of this regulation shall apply to sales for which maximum prices are established under this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*
Section 7.2 *When a sales tax may be charged in addition to a maximum price.*
Section 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*
Section 7.4 *Use of minimum resale prices under state Fair Trade Laws.*
Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*
Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*
Section 7.7 *Export sales.*
Section 7.8 *Compliance with this regulation.*
Section 7.9 *Current records required.*
Section 7.10 *Petitions for amendment.*
Section 7.11 *Adjustable pricing in certain instances.*
Section 7.12 *Definitions.*
Section 7.13 *Geographical applicability.*

SEC. 2.6 *Dates on which this article shall apply.* This article shall apply to all sales, and offers to sell and deliveries of the commodities specified therein made on and after October 7, 1943; *Provided,* That this article shall not apply to deliveries made on and before October 21, 1943 pursuant to sales or contracts to sell made prior to October 1, 1943.

3. The title of Article IV is amended; section 4.1 is revoked and a new section 4.1 is substituted therefor, and sections 4.2 through 4.12 inclusive are added to read as follows:

Article IV—Maximum Prices for Sales of Certain Bulk Domestic Wine and Related Products by Any Person, and for Sales of Certain Packaged Domestic Wine by Processors

SEC. 4.1 *Purposes of Article IV*—(a) *Generally.* Article IV establishes maximum prices for sales of the kinds of bulk domestic wine, and for sales in bulk of the related products specified therein when made by any person. It also establishes maximum prices for the processor's sales of the kinds of packaged domestic wine specified therein. Maximum prices for the kinds of bulk domestic wine and related products, or for processors' sales of the kinds of packaged wine not specified in Article IV must be determined under other applicable regulations or orders of the Office of Price Administration. Except for sales which are specifically exempted by Article V of this regulation, maximum prices for sales of all packaged domestic wine by persons other than the processor must be established under that article.

(b) *Related products not within the scope of this article.* Article IV and other provisions of this regulation do not apply to sales of the following products, maximum prices for which shall be determined under other applicable regulations or orders of the Office of Price Administration:

Tartrates	Pomace stock feed
Argols	Lees (dried)
Pomace	Wine vinegar
Seeds	Cooking wine unfit for use for beverage purposes
Grape seed oil	
Grape seed cake	
Pomace fertilizer	Enocianima (coloring)

(c) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article IV supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before October 7, 1943 with respect to the sales of domestic wine and related products to which it applies, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Article II of Revised Supplementary Regulation No. 14 (except that section 2.18 thereof shall continue in force with respect to reports required to be filled thereunder prior to September 10, 1943: *Provided,* That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of domestic wine or a related product until provisions of this article become applicable thereto pursuant to section 4.12.

SEC. 4.2. *General rules for figuring maximum prices under this article.* Each seller to whom this article applies must observe the following general rules for establishing his maximum prices pursuant thereto:

(a) *Figuring maximum prices separately.* Each type and quality of bulk domestic wine and each related product sold, offered for sale or delivered by any person on and after the date on which a maximum price therefor must be established under this article must have a separate maximum price. Each item of packaged domestic wine sold, offered for sale or delivered by the processor on and after the date on which a maximum price therefor must be established under this article must likewise have a separate maximum price. An item is a particular brand name, container size and type designation of packaged domestic wine. One packaged item must not be considered the same as another if there is any difference in

(1) Their brand names, or
(2) Their processors, or
(3) Their container sizes (quarts as compared with fifths, etc.), or
(4) Requirements of United States labelling laws or regulations applicable to each, or in material information contained on their labels. Type designation, vintage, alcohol content, appellation of origin and grape variety from which produced shall be deemed material information.

NOTE: Any change of brand name shall be deemed to require separate pricing. For example, a change of name from "Royal King" to "Royal King Reserve" or "Royal King Three Star" or "Royal" is a change of brand name. However, a change of brand name only, when made to comply with any judicial decree, or to terminate legal proceedings to compel such change, shall not require the item to be repriced if the processor, before changing the brand name, gives the Office of Price Administration, Beverage Section, Washington, D. C., written notice of such action and the reason therefor.

(b) *Customer classifications.* (1) A separate maximum price determined in accordance with the applicable section of this article must be established for sales to each class of customers which the processor desires to sell.

(2) Where a processor establishes an "adjusted March 1942 price" or an "adjusted March 1942 price" converted for a change of container size, his customers for sales to which such maximum price applies must be classified in accordance with his March 1942 customer classifications. If he desires to sell the bulk domestic wine, related product or packaged item so priced to a customer of a class to which he did not sell it during March 1942, he shall apply to the Office of Price Administration for authority to establish a maximum price for such sale pursuant to section 4.9.

(3) Where a section of this article provides a "specific maximum price" or an "alternate maximum price" which the seller is required or elects to use for bulk domestic wine, or for a related product or packaged item, that maximum price applies to the classes of customers stated therein, or if no classes of customers be stated, then to all classes of customers.

(4) Where a seller established "special maximum prices" after application to the Office of Price Administration under section 4.9, the maximum prices so established shall apply only to his sales to the classes of customers stated in the application, or in the order or amendment issued pursuant thereto.

(c) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials (except "special deals" to which § 1499.4b of the General Maximum Price Regulation applied) in effect during March 1942 in accordance with a seller's March 1942 customer classifications must be applied to his maximum prices established under this article: *Provided,* That discounts (other than discounts for prompt payment), allowances and price differentials in accordance with a seller's March 1942 customer classifications need not be maintained with respect to sales of bulk domestic wine, related products or packaged items for which the seller is required or elects to use either a "specific maximum price", an "alternate maximum price", or a "special maximum price."

(2) If a seller makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this article.

(3) If a seller directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person), the seller must reduce his maximum price established under this article for that sale by an amount equal to interest at the rate of 5% per annum on the amount of the advance payment from the date the payment is made to the date on which the commodity is delivered or the payment refunded to the customer.

(d) *Sales and offers to sell.* Where the price for a sale or for an offer to sell during a particular period of time is to be used in determining a maximum price under this article, the price for the sale must be used if a sale was made. An offering price may be used only if no sale of the item was made during the particular period.

(e) *F. o. b. and delivered prices.* (1) Where a seller establishes an "adjusted March 1942 price" or an "adjusted March 1942 price" converted for a change of container size as his maximum price for bulk domestic wine, or for a related product or a packaged item, and the highest price he charged or at which he offered to sell during March 1942 used to determine such "adjusted March 1942 price" was a delivered price, or an f o. b. particular freight base point price, the maximum price thus established shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be.

(2) "Specific maximum prices," "alternate maximum prices" and "special maximum prices" provided in this article are prices f. o. b. processor's premises or seller's point of shipment, unless otherwise expressly stated.

(3) If a seller's maximum price is a price f. o. b. a particular place, and he desires to convert it to a delivered price for delivery to a point outside the metropolitan area of that place, he may add to his maximum price transportation charges from that place to the point of delivery, at the rate he actually pays.

NOTE: For a definition of "transportation charges" and the method of computing them when the seller uses his own vehicle, see section 7.12 (d) (4).

(f) *Carload and less than carload prices.* (1) Where a seller establishes an "adjusted March 1942 price" or an "adjusted March 1942 price" converted for a change of container size as his maximum price for bulk domestic wine, or for a related product or packaged item, and the highest price he charged or at which he offered to sell during March 1942 used to determine such "adjusted March 1942 price" was a carload price, or a less than carload price, the maximum price thus established shall correspondingly be a carload, or less than carload price, as the case may be.

(2) "Specific maximum prices," "alternate maximum prices" and "special maximum prices" provided in this article are prices in carload quantity, unless otherwise expressly stated.

(3) A seller whose maximum price is a carload price may, for sales in less than carload quantity, add to such maximum price his March 1942 customary differential over the carload price for the commodity. Similarly, a seller whose maximum price is a less than carload price shall, for sales in carload quantity, reduce his maximum price by the amount of his March 1942 customary differential over a carload price for the commodity.

(g) *California state marketing order assessment.* A processor may charge, in addition to his maximum price established under this article for a sale of any California grape wine, the amount of any applicable California state marketing order assessment at rates in effect on October 1, 1943, paid or payable by the processor with respect to that sale. For purposes of this article such amount shall be deemed a part of the maximum price to which it is added and for purposes of Article V shall be deemed a part of a supplier's price.

NOTE: If the processor's maximum price for a particular sale is an "adjusted March 1942 price" including the California state marketing order assessment, no additional amount shall be added therefor.

(h) *Addition of certain taxes to maximum prices.* A seller may add to his maximum price established under this Article for a sale, the amount of any applicable United States, state or local excise taxes at rates in effect on November 2, 1942, paid or payable by the seller to the taxing authorities or to a prior vendor for the type and quality of wine or product being priced: *Provided,* That no amount shall be added for such taxes otherwise included in that maximum price, and no amount shall be added to "specific maximum prices", "alternate maximum prices" or "special maximum prices" for any United States excise tax stated as being included therein.

NOTE: Except as otherwise expressly provided in this regulation, no amount shall be added for license, income, franchise, receipts, sales, use or other similar taxes.

(i) *Fractional parts of a gallon.* In any sale of bulk domestic wine or a related product, where the total quantity to be priced involves the fractional part of a gallon, the seller's maximum price for the fractional part of a gallon shall be proportionate to his maximum price for a gallon.

(j) *Deposit charges on containers.* Any seller who during March 1942 customarily required a deposit charge to assure the return of containers used in shipment may continue to require such deposit charge and may from time to time adjust such deposit charge to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices. Any seller who did not require a deposit charge for containers during March 1942 and who desires to do so, may institute such deposit charge and adjust the same from time to time to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices.

(k) *Treatment of broker's or finder's compensation.* A broker or finder taking part in any sale to which this article aplies shall be deemed to represent either the seller or the buyer in accordance with customary trade practice during March 1942. If the broker or finder represents the seller, the amount paid to the broker or finder by or for the account of the buyer, plus the amount paid by the buyer to the seller for the commodity being priced shall not exceed the seller's maximum price for such commodity established under this article. If the broker or finder represents the buyer, no part of any amount paid to the broker or finder by or for the account of the buyer shall be paid to or received (directly or indirectly) by the seller. In such instances the amount paid by the seller or buyer to the broker or finder as compensation for his services in the sale shall not exceed the broker's or finder's maximum price for such services as established under Article VI of this regulation or under such other regulations or orders of the Office of Price Administration as may be applicable.

SEC. 4.3 *Processor's maximum prices for California grape wine in bulk*—(a) *Sales of current wine.* A processor's maximum price to a customer of any class for current California grape wine in bulk in carload quantity, naked f. o. b. processor's premises, shall be a specific maximum price according to the wine to be priced as follows:

28 cents per gallon of red table wine.
33 cents per gallon of white table wine.
55.5 cents per gallon of dessert wine.

NOTE. The above prices do not include California marketing order assessment, or United States, state or local excise taxes which may be added as provided in section 4.2 (g) and (h).

(b) *Sales of non-current wine.* A processor's maximum price per gallon to a customer of any class for any type and quality of non-current California grape wine, naked in bulk in carload quantity, shall be either an adjusted March 1942

price or an alternate maximum price or a special maximum price as follows:

(1) *Adjusted March 1942 price.* The highest price per gallon the processor charged or at which he offered the particular type and quality of wine for sale in bulk on such terms during March 1942 to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: If the processor did not sell or offer to sell the particular type and quality of non-current wine in bulk during March 1942 to any customer, he must not use an adjusted March 1942 price therefor.

(2) *Alternate maximum price.* An amount f. o. b. processor's premises according to the wine being priced as follows:

40 cents per gallon of red table wine.
45 cents per gallon of white table wine.
63 cents per gallon of dessert wine.

NOTE: These alternate maximum prices do not include California state marketing order assessments or United States, state or local excise taxes which may be added as provided in section 4.2 (g) and (h).

(3) *Special maximum prices.* A processor who is unable to determine an adjusted March 1942 price under (1) above for a particular type and quality of non-current wine in bulk may, if permitted by section 4.8, make application to the Office of Price Administration for authority to establish special maximum prices for that wine. Such application shall be made in accordance with section 4.9. A special maximum price authorized pursuant to that Section shall be the processor's maximum price to the specified classes of customers for the type and quality of non-current wine in bulk that is the subject of the application.

NOTE: Section 4.6 contains special provisions and pricing instructions applicable to the following types of California grape wine and related products if sold in bulk:

Spanish type blending sherry;
Lees wine;
Vermouth and flavored wines made from dessert wines;
Flavored wines made from table wines;
Light sweet wine;
Sparkling and carbonated wines;
Unfinished wine;
Mixed wine containing California grape wine or made in part from juice of California grapes;
Wine fermented in whole or in part from California grape concentrates;
California grape concentrates.

(c) *Sales of current or non-current wine in bulk in less than carload quantity to retailers and consumers.* A processor's maximum price to a retailer or to a consumer for current or non-current California grape wine in bulk in less than carload quantity (in barrels or other containers) shall be an adjusted March 1942 price per gallon, equal to the total of the following:

(1) The highest price per gallon the processor charged, or at which he offered current wine or the particular type and quality of non-current wine for sale in bulk in less than carload quantity (in barrels or other containers) to a retailer or to a consumer respectively; plus

(2) The last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

(d) *Sales of a carload quantity in barrels or other containers.* A processor who sells a carload quantity of current or non-current California grape wine in bulk in barrels or other containers to a customer of any class may, for such sale add 2 cents per gallon to his maximum price naked established under (a) or (b) above for a carload quantity of the wine being priced.

NOTE: This allowance includes handling and loading but does not include the cost of the barrels or containers. If the seller furnishes the barrels or containers which, upon delivery to the customer, become the customer's property, the seller may add a charge for the barrels or containers, not in excess of his maximum price therefor.

SEC. 4.4 *Wholesalers', packers' and retailers' maximum prices for California grape wine in bulk*—(a) *Wholesalers and packers.* A wholesaler's or packer's maximum price per gallon to a customer of any class for current or non-current California grape wine in bulk (whether repacked or not) in carload quantity f. o. b. seller's shipping point shall be a specific maximum price equal to the total of:

(1) *Processor's price.* The processor's maximum price per gallon for the type and quality of wine in bulk in carload quantity as provided in this Article.

(2) *Freight.* Transportation charges per gallon from the processor's premises to the wholesaler's or packer's customary receiving point at the carload rate (exclusive of expense of hauling, drayage or handling within the metropolitan area of such premises or receiving point). No amount shall be added for any such transportation charges included in the processor's price under (a) above.

(3) *Mark-up.* 10 cents per gallon where the bulk wine is delivered to the customer in the original barrel or other container in which it was received by the seller without repacking, or 12 cents per gallon where the bulk wine is delivered to the customer in other than the original barrel or other container in which it was received by the seller.

NOTE: This mark-up includes handling and loading but does not include the cost of the barrels or containers. If the seller furnishes the barrels or containers which, upon delivery to the customer, become the customer's property, the seller may add a charge for the barrels or containers, not in excess of his maximum price therefor.

(b) *Retailers.* A retailer's maximum price per gallon for any California grape wine in bulk shall be the total of the following:

(1) *Net cost.* His net cost for the wine being priced (figured according to section 5.3 of this regulation), plus

(2) *Mark-up.* The difference between

(i) His net cost per gallon (figured according to section 5.3 for his last purchase of the same type of bulk wine on or prior to March 31, 1942 out of which he made or offered to make sales during March 1942, and

(ii) The highest price per gallon he charged during March 1942 or at which he offered to sell that type of wine.

NOTE: Retailers' maximum prices for bulk wine do not authorize such sales where prohibited by statute or ordinance.

SEC. 4.5 *Processor's maximum prices for packaged California grape wine*—(a) *Sales of packaged current wine.* A processor's maximum price per case for a brand and container size of packaged current California grape wine shall be either an adjusted March 1942 price for that brand and container size or an alternative maximum price as follows:

(1) *Adjusted March 1942 price.* The highest price per case the processor charged, or at which he offered the same kind and type of wine for sale under the same brand and in the same container size to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: Except as otherwise expressly provided in this article an adjusted March 1942 price cannot be used as a maximum price for a brand not sold or offered for sale during March 1942, or not used during March 1942 for sales of such kind and type of wine.

If the processor sold or offered such kind and type of packaged wine for sale during March 1942 under the brand, but not in the container size to be priced, he may use as his adjusted March 1942 price for that container size of such wine, his adjusted March 1942 price for the container size sold or offered for sale during that month, converted however in accordance with section 4.7 for the change of container size.

(2) *Alternate maximum price.* An alternate maximum price per case in carload quantity according to the wine being priced and to the class of customers, as set forth in paragraph (c) of this section.

(b) *Sales of packaged non-current wine.* A processor's maximum price per case for a type, quality, brand and container size of packaged non-current California grape wine shall be either an adjusted March 1942 price for that type, quality, brand and container size, an alternate maximum price, or a special maximum price as follows:

(1) *Adjusted March 1942 price.* The highest price per case the processor charged, or at which he offered the type and quality of non-current wine for sale under the same brand and in the same container size to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: Except as otherwise provided in this Article, an adjusted March 1942 price cannot be used as a maximum price for a brand not sold or offered for sale during March 1942, or not used during March 1942 for the particular type and quality of wine.

If the processor sold or offered the type, quality and brand of wine for sale during March 1942, but not in the container size to be priced, he may use as his adjusted

March 1942 price for that container size of such wine, his adjusted March 1942 price for the container size sold or offered for sale during that month, converted however in accordance with Section 4.7 for the change of container size.

(2) *Alternate maximum price.* An alternate maximum price per case in carload quantity, according to the wine being priced and the class of customers, as set forth in paragraph (c) of this section.

(3) *Special maximum price.* A processor who is unable to determine an adjusted March 1942 price under (1) above for a particular type, quality, brand and container size of packaged non-current wine may, if permitted by section 4.8, make application to the Office of Price Administration for authority to establish special maximum prices for that wine. Such application shall be made in accordance with section 4.9. A special maximum price authorized pursuant to that section shall be the processor's maximum price to the specified classes of customers for the type, quality, brand and container sizes of packaged non-current wine described therein. If a special maximum price is established for a type, quality, brand and container size of packaged non-current wine, and the processor thereafter desires to sell such type, quality and brand in a different container size, his maximum price for the different container size shall be the special maximum price established for the original container size, converted in accordance with section 4.7 for change of container size.

NOTE: Section 4.6 contains special provisions and pricing instructions applicable to the following types of California grape wine if sold in packages:

Vermouth and flavored wines made from dessert wines;
Flavored wines made from table wines;
Light sweet wine;
Sparkling and carbonated wines;
Mixed wine containing California grape wine or made in part from juice of California grapes;
Wine fermented in whole or in part from California grape concentrates.

(c) *List of alternate maximum prices.* The alternate maximum prices provided by this section for sales of packaged current or non-current California grape wine shall be as follows:

(1) *For sales to wholesalers.* A price per case delivered at the wholesaler's customary receiving point for the item equal to the total of (i) and (ii) below.

(i) The amount per case set forth in the following table for the wine and container size to be priced:

TABLE FOR COMPUTING PROCESSORS' ALTERNATE MAXIMUM PRICES FOR SALES OF PACKAGED CALIFORNIA GRAPE WINE

(Prices listed are per case in any quantity and include United States excise taxes at rates in effect on November 2, 1942 but not California marketing order assessment or any state or local excise taxes. Such assessment and state or local excise taxes (as applicable) may be added as provided in section 4.2 (g) and (h).

(a) *For current wine.*

Type of current wine	For a case containing					
	2.4 gallons		3 gallons			4 gallons
	12 fifths	24 tenths	12 quarts	24 pints	6 half gallons	4 one-gallons
White table wine	$3.85	4.45	$4.37	$4.97	$4.02	$4.62
Red table wine	3.74	4.34	4.23	4.83	3.88	4.43
Dessert wine	4.73	5.33	5.52	6.12	5.17	6.24

(b) *For non-current wine.*

Type of non-current wine	For a case containing					
	2.4 gallons		3 gallons			4 gallons
	12 fifths	24 tenths	12 quarts	24 pints	6 half gallons	4 one-gallons
White table wine	$4.14	$4.74	$4.73	$5.33	$4.38	$5.11
Red table wine	4.03	4.63	4.59	5.19	4.24	4.92
Dessert wine	4.91	5.51	5.75	6.35	5.40	6.55

NOTE: Where the number and size of containers in the case is greater or less than that specified in the table, the maximum price per case shall not be figured on a proportionate basis.

(ii) The amount per case for transportation charges determined as follows:

(a) For sales by a processor located in the State of California, delivered at a wholesaler's customary receiving point within that State, such amount shall be equal to transportation charges per case applicable to shipment at the carload rate from processor's premises to the wholesaler's customary receiving point.

(b) For sales by all processors (regardless of location) delivered at a wholesaler's customary receiving point outside California, such amount shall be equal to transportation charges per case applicable to shipment at the carload rate from Bakersfield, California to the wholesaler's customary receiving point.

NOTE: The carload rate to be used in determining the maximum prices for packaged wine under this paragraph in the lowest regularly published carload rate to the point of delivery, regardless of the minimum carload weight to which it applies. An average weight of 38 lbs. per case shall be used to determine the freight rate per case.

Example: The lowest carload rate from Bakersfield, California to New York, N. Y. is 99¢ per cwt. subject to a minimum carload weight of 50,000 lbs. Other carload rates are published but these apply to lesser minimum weights consequently the lowest rate is used and computation made as follows: 99¢ per cwt. equals $.0099 per lb. x 38 lbs. per case equals .3762¢ or 38¢ per case. Adding this figure to the appropriate amount in the table at (i) gives the delivered price for that type and container size of wine in New York, N. Y.

Explanation: Alternate maximum prices for packaged California grape wine are figured on the so-called "base point system", with Bakersfield, California, as the base point. By adding carload freight from Bakersfield, California, to the purchasing wholesaler's customary receiving point to an amount representing the maximum price of the commodity, f. o. b. processor's premises in California, the maximum price for a sale in any quantity by any processor to any wholesaler located outside of California is readily determined. Maximum prices for the same type and quality of wine will thus, if the alternate maximum price is used, be generally uniform regardless of where the bottling is done.

A processor located in California who desires to sell f. o. b. his premises in that state will use as his maximum price for such f. o. b. sale, the applicable amount under (i) without the addition under (ii) for transportation. A processor located outside of California who desires to establish a price f. o. b. his premises to wholesalers within the metropolitan area of such premises, will use as his f. o. b. price the total of (i) and (ii) (b). If a processor located outside of California desires to establish a price f. o. b. his premises for a sale to a wholesaler outside the metropolitan area of those premises, will use as his f. o. b. price the applicable total of (i) and (ii) (b) less an amount sufficient to compensate the wholesaler for the freight the wholesaler is thus required to pay.

(2) *For sales to monopoly States.* The maximum price per case figured under (1) above for sales of the brand and container size delivered to a wholesaler at the March 1942 freight base zone of the monopoly State: *Provided,* That if the processor, during March 1942, customarily sold packaged California grape wine to monopoly States at a price greater or less than his corresponding price per case to wholesalers, his maximum price per case to monopoly States shall be increased or decreased respectively by the amount of such differential in dollars and cents.

(3) *For sales to retailers.* The maximum price per case figured under (1) above for sales of the brand and container size delivered to a wholesaler at the retailer's customary receiving point for the item, plus applicable state and local excise taxes and California marketing order assessment, and plus the percentage mark-up provided under section 5.4 for sales of packaged domestic wine by wholesalers to retailers.

(4) *For sales to consumers.* The maximum price per case figured under (1) above for sales of the brand and container size delivered to a wholesaler at the point where the consumer is located, plus applicable state or local excise taxes and California marketing order assessment, and plus the percentage mark-up provided under section 5.5 for sales of packaged domestic wine by retailers to consumers.

(5) *Transactions between processors and primary distributing agents.* Transactions between processors and primary distributing agents may or may not involve a sale. Where the transaction does not involve a sale, the processor and primary distributing agent may make any proper arrangement for the handling and billing of the item, subject to the limitation that sales by the processor through the primary distributing agent may not exceed the processor's maximum price to a customer of the particular class. Where a processor sells a brand and container size to a primary distributing agent, the parties may use for

the transaction between themselves, either an f. o. b. processor's premises price (which will be a uniform price for all transactions) or a delivered price or prices not exceeding the maximum price which the processor may charge for a direct sale to any wholesaler or monopoly State within the territory the primary distributing agent serves.

NOTE: Where the primary distributing agent figures his own maximum price under section 5.7 for a brand and container size the processor has sold to him, the primary distributing agent shall, for a sale to a monopoly State, use the processor's maximum price delivered to such monopoly State. In figuring his maximum price for sales of the brand and container size to a wholesaler, retailer or consumer, the "processor's maximum price to wholesalers and monopoly States" to be used under section 5.7 shall be deemed the processor's maximum price to wholesalers determined under (1) above.

SEC. 4.6 *Pricing provisions and instructions applicable to particular California grape wines and to certain related products.*

NOTE: Maximum prices provided under sections 4.4 and 4.5 do not apply to sales of California grape wines for which maximum prices are established by this section.

(a) *Processors' maximum prices for Spanish type blending sherry.* A processor's maximum price per gallon to a customer of any class for any type and quality of Spanish type blending sherry (as defined in section 7.12 (a) (36) shall be either an adjusted March 1942 price, or an alternate maximum price as follows:

(1) *Adjusted March 1942 price.* The highest price per gallon the processor charged, or at which he offered the type and quality of Spanish type blending sherry for sale during March 1942 to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: If the processor did not sell or offer the type and quality of Spanish type blending sherry for sale during March 1942 to any customer, he must not use an adjusted March 1942 price.

(2) *Alternate maximum price.* An amount per gallon f. o. b. processor's premises for any quantity according to type and alcohol content as follows:

PROCESSORS' ALTERNATE MAXIMUM PRICE FOR SPANISH TYPE BLENDING SHERRY

[United States, state and local excise taxes not included]

Type	Alcohol content	Maximum price per gallon
16° to and including 21° (Balling).	Over 19% but not in excess of 24% by volume.	$2.005

NOTE: The above maximum price includes cost of any containers supplied by the seller. If the seller does not supply containers, he shall make a corresponding reduction in his maximum price for the sale.

(b) *Processors' maximum prices for lees wine.* A processor's maximum price per gallon to a customer of any class for any quantity of lees wine in bulk shall be a specific maximum price f. o. b. processor's premises, computed according to the alcohol content by volume and the pure potassium bi-tartrate (cream of tartar) content of the quantity to be priced. Such maximum price shall be the total of:

(1) 1½ cents for each 1% of alcohol by volume; plus

(2) 11 cents for each pound of pure potassium bi-tartrate (cream of tartar).

NOTE: The above maximum price includes the cost of any containers supplied by the seller. If the seller does not supply containers, he shall make a corresponding reduction in his maximum price for the sale.

(c) *Processors' maximum prices for light sweet wine*—(1) *Sales in bulk.* A processor's maximum price per gallon to a customer of any class for current or non-current light sweet wine in bulk shall be 90% of the maximum price per gallon (established by section 4.4) for his sales of current or non-current dessert wine respectively to a customer of the same class.

(2) *Sales in packages.* A processor's maximum price per case to a customer of any class for packaged current or non-current light sweet wine shall be 90% of the maximum price per case (established by section 4.5) for his sales of current or non-current dessert wine respectively to a customer of the same class.

(3) *Recognition of difference in tax rate.* In determining a maximum price for light sweet wine, in bulk or in packages, the processor shall before applying the percentage provided in (1) and (2) above, deduct from his maximum price for the corresponding dessert wine, the amount of any United States excise tax included therein, and in determining a tax-paid maximum price for light sweet wine shall include therein the amount of the United States excise tax at the rate applicable to light sweet wine.

(d) *Processors' maximum prices for packaged sparkling and carbonated wine.* A processor's maximum price per case for any type, quality, brand and container size of packaged sparkling or carbonated wine (as defined in section 7.12 (a) (25) and (26)) shall be either an adjusted March 1942 price for that type, quality, brand and container size, or a special maximum price established after application to the Office of Price Administration pursuant to section 4.9.

(e) *Pricing vermouth and flavored wines.* (1) Vermouth and flavored wines made from dessert wine shall be classified as non-current dessert wine, and shall be subject to the provisions of this article applicable to such dessert wines.

(2) Flavored wines made from table wine shall be classified as the corresponding non-current table wine, and shall be subject to the provisions of this article applicable to such table wine.

(f) *Processors' maximum prices for sales of certain mixed wines containing California grape wine or made in part from grapes grown in California.* In determining his maximum price to a customer of a particular class for bulk or packaged mixed wine (as defined in section 7.12 (a) (31), a processor shall figure his maximum price for the percentage of wine made from California grapes, (established by section 4.4 or 4.5 of this article as may be applicable), and his maximum price for the percentage of berry wine other than grape wine under section 2.15 of Revised Supplementary Regulation No. 14, as if the two were separate wines. The figures obtained shall then be added, and the total plus applicable rectification tax, if any, shall be the processor's maximum price for the mixed wine.

NOTE: This paragraph applies only to mixed wine made in part from California grapes, and in part from berries other than grapes, in which not in excess of 20% of the mixed wine is made from berries.

(g) *Sales of unfinished wine in bulk by any seller.* A seller's maximum price per gallon to a customer of any class for unfinished California grape wine in bulk shall not exceed his maximum price per gallon (established by section 4.4) for the same type and quality of wine in a finished condition, sold on the same terms to a customer of the same class.

(h) *Maximum prices for California grape concentrates*—(1) *For sales by processors.* A processor's maximum price per gallon to a customer of any class for any type, kind and quality of California grape concentrates shall be either an adjusted March 1942 price or an alternate maximum price as follows:

(i) *Adjusted March 1942 price.* The highest price per gallon he charged or at which he offered the same type, kind and quality of California grape concentrate for sale during March 1942 to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: If the processor did not sell or offer the particular type, kind and quality of concentrate for sale during March 1942 to any customer, he may not use an adjusted March 1942 price for his sales.

(ii) *Alternate maximum price.* An alternate maximum price per gallon for the type, kind and quality of concentrate f. o. b. processor's premises, in any quantity, determined as follows:

PROCESSORS' MAXIMUM PRICES FOR CONCENTRATES

Type of concentrate	Kind of concentrate		
	Price per gallon		
	Red	White	Muscat
55° to 65° Balling:			
Open pan	$1.25	$1.25	$1.50
Vacuum	1.00	1.00	1.25
65° to 85° Balling:			
Open pan	1.50	1.50	1.75
Vacuum	1.25	1.25	1.50

NOTE: The above maximum prices include the cost of containers supplied by the seller. If the seller does not supply the containers, he must make a corresponding reduction in his maximum price for the sale.

(2) *For sales by dealers.* The maximum price per gallon for a sale of any type, kind and quality of California grape concentrate by a dealer shall be a specific maximum price, f. o. b. seller's warehouse in any quantity, equal to the total of the following:

(i) The maximum price established under (1) above for a processor's sale of the same type, kind and quality of concentrate;

(ii) Transportation charges per gallon from the processor's premises to the seller's customary receiving point for the concentrate being priced at the rate he actually pays. No amount shall be included for

(*a*) Transportation charges on sales f. o. b. processor's premises where the concentrate is shipped directly to the customer at the customer's expense; or

(*b*) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point;

(iii) 15 cents per gallon.

(i) *Wine fermented in whole or in part from California grape concentrates.* Wine fermented in whole or in part from concentrates, shall for the purposes of this article, be classified as the same type and kind of wine as if made from the same materials without concentration.

SEC. 4.7 *Conversion of a maximum price for a change of container size.* A processor required by this Article to establish a maximum price for a brand in a new container size by converting his maximum price for the same brand in a different container size shall do so as provided herein:

(a) He shall select as the base container size for purposes of conversion, the largest of the following container sizes in which he sold or offered the brand for sale during March 1942 to a customer of the particular class. If the processor has been authorized pursuant to section 4.9 to establish a special maximum price for the brand to customers of the particular class, he shall select as the base container size for purposes of conversion, the largest of the following container sizes for which such special maximum price has been authorized to customers of that class.

(b) He shall first deduct the amount of any state of local excise taxes and the amount of any California state marketing order assessment from his maximum price for the base container size and then determine his maximum price for the brand in the new container size to be priced as follows:

(1) *For a change from quarts, pints or half-gallons to any other such container size in a case having a total quantity of three gallons.* (i) Add to or subtract from such maximum price per case for the brand in the base container size, the applicable amount as follows:

From—	To—		
	Quarts	Pints	Half-gallons
Quarts	-------	+$0.60	−$0.35
Pints	−$0.60	-------	−.95
Half-gallons	+.35	+.95	-------

(ii) The resulting figure is the processor's corresponding maximum price per case to a customer of the particular class for the brand in the new container size.

(2) *For a change from gallons to half-gallons or from half-gallons to gallons in a case having a total quantity of four gallons.* (i) Add to or subtract from such maximum price per case for the brand in the base container size, the applicable amount as follows:

From—	To—	
	Half-gallons	Gallons
Half-gallons	-------	−$0.30
Gallons	+$0.30	-------

(ii) The resulting figure is the processor's corresponding maximum price per case to a customer of the particular class for the brand in the new container size.

(3) *For a change from fifths to tenths or tenths to fifths in a case having a total quantity of 2.4 gallons.* (i) Add to or subtract from such maximum price per case for the brand in the base container size, the applicable amount as follows:

From—	To—	
	Fifths	Tenths
Fifths	-------	+$0.60
Tenths	−$0.60	-------

(ii) The resulting figure is the processor's corresponding maximum price per case to a customer of the particular class for the brand in the new container size.

(4) *For a change from quarts or pints to fifths.* (i) Subtract from such maximum price per case for the brand in the base container size, the sum of $1.50 or $2.10 for quarts or pints respectively, as may be appropriate;

(ii) Multiply the resulting figure at (1) by .80;

(iii) Add the sum of $1.50;

(iv) The resulting figure at (iii) is the corresponding maximum price per case to a customer of the particular class for the brand in fifths.

(5) *For a change from fifths to quarts or pints.* (i) Subtract from such maximum price per case for the brand in the base container size, the sum of $1.50;

(ii) Multiply the resulting figure at (1) by 1.25;

(iii) Add the amount of $1.50 or $2.10 for quarts or pints respectively as may be appropriate.

(iv) The resulting figure at (iii) is the corresponding maximum price per case to a customer of the particular class for the brand in quarts or pints respectively.

(6) *For other changes from any size in a case having a total quantity of 2.4 gallons, 3 gallons or 4 gallons, to any size in a case having a different total quantity.*

NOTE: Changes of this character to which (4) or (5) above apply, are to be made as therein provided.

(i) Convert such maximum price per case for the brand in the base container size into a corresponding maximum price for the container size below for a

Case containing—	*Convert to—*
2.4 gallons	fifths
3 gallons	half-gallon
4 gallons	gallons

NOTE: If the base container size corresponds to that listed above for a case having the same quantity, this step may be omitted.

(ii) Deduct from the resulting amount at (i) the applicable figure for the container size derived thereunder as follows:

Container size:	*Deduct—*
Fifths	1.50
Half-gallons	1.15
Gallons	1.00

(iii) Multiply the resulting figure at (iii) by the applicable factor according to the quantities in the cases from which and to which conversion is being made as follows:

From a case containing—	To a case containing—		
	2.4 gallons	3 gallons	4 gallons
2.4 gallons, 3 gallons, 4 gallons — Multiply by	-------	1.25	1.66
	0.80	-------	1.33
	.60	.75	-------

(iv) Add to the resulting figure at (iii) one of the following amounts according to the size of the case to which conversion is being made as follows:

To a case containing—	*Add—*
2.4 gallons	$1.50
3 gallons	1.15
4 gallons	1.00

(v) The resulting figure at (iv) is the processor's corresponding maximum price to a customer of the particular class per case of 2.4 gallons, 3 gallons or 4 gallons in fifths, half gallons and gallons respectively. If the processor desires to sell in a particular case, a container size other than that for which a price has resulted, he shall convert such resulting price into a corresponding maximum price for the container size he desires to sell, using for that purpose paragraph (1), (2) or (3) above as may be applicable.

(7) All maximum prices derived under the preceding subparagraphs of (b) are prices exclusive of any state or local excise taxes and California marketing order assessment. Such state and local excise taxes and assessment (if applicable) may be added to a corresponding maximum price as provided in section 4.2 (g) and (h).

Example of conversion under subparagraphs (6) and (7): A processor has established a maximum price of $4.60 per case of 24 tenths for a brand to wholesalers. He has not established a maximum price to wholesalers for the brand in any other container or case size. He desires to convert his container and case size from 24 tenths, (2.4 gallons) to 24 pints (3 gallons). The method to be employed is as follows:

Maximum price per case of 24 tenths (exclusive of state and local excise taxes and California marketing order assessment)	$4.60
First: Convert the price for tenths into a price for fifths by deducting $0.60 per subparagraph (3)	.60
	4.00
Second: Deduct for fifths	1.50
	2.50
Third: Multiply by factor of 1.25 applicable to conversion from case of 2.4 gallons to case of 3 gallons. 2.50×1.25=	3.125
Fourth: Add $1.15 to secure price of 3 gallon case in half-gallon containers	1.15
	4.275
Fifth: Convert price for half gallons into price for pints by adding $0.95 per subparagraph (1)	.95
Maximum price per case of 24 pints (exclusive of state and local excise taxes and California marketing order assessment)	5.225 or 5.23

SEC. 4.8 *Types and kinds of California grape wine for which a special maximum price may be authorized pursuant to section 4.9.* A processor who is unable to establish an adjusted March 1942 price for a particular type and kind of bulk or packaged non-current California grape wine may apply to the Office of Price Administration for authority to establish a special maximum price therefor, if such wine requires individual consideration. In general, the wine will not be deemed to require such consideration unless:

(a) It is produced principally from varietal types of grapes (as defined in section 7.12 (a) (41); or unless

(b) Applicable United States labelling laws and regulations permit the processor to label individual packages thereof as wine of the 1941 or earlier vintage; or unless

(c) It is produced by blending two or more kinds of wine, and non-current wine is the principal component of the wine resulting; or unless

(d) It has been subjected to cellar treatment by methods or to an extent generally recognized as producing a wine requiring individual consideration, such treatment involving additional fining, stabilization, finishing, racking, filtering, aging, binning and other cellar treatment beyond that customarily given non-current wines.

SEC. 4.9 *Application for authority to establish maximum prices*—(a) *Who is permitted or required to file.* (1) Any processor who desires to sell or offer for sale bulk or packaged non-current California grape wine for which a special maximum price may be authorized pursuant to the provisions of section 4.8 may make application under this section for authority to establish such maximum price.

(2) Any seller who is required by any provision of this article to make application for authority to establish any maximum price, or who is unable to determine a maximum price for a particular sale of any wine or related product to which this article applies shall make application under this section.

(b) *Prohibition.* Except as provided in paragraph (c) of this section:

(1) A processor making application for authority to establish a special maximum price for bulk or packaged non-current California grape wine shall not, prior to the date on which that authority is granted, sell, offer to sell, or deliver the wine that is the subject of the application at any prices in excess of those provided therefor under other applicable provisions of this article; and

(2) A seller required to make application for authority to establish a maximum price for a particular sale shall not make, or agree to make that sale until after the application is filed and authority granted.

(c) *Adjustable pricing while an application under this section is pending before the Office of Price Administration.* (1) If permitted by the Office of Price Administration, but not otherwise, a person making application under this section may, after the application is filed and while it is pending, sell, offer to sell and deliver the wine or related product that is the subject of the application if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount not in excess of the maximum price therefor later established under this section. Such permission may be given only if necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942 as amended. The permission may be given by letter addressed to applicant, signed by the Price Administrator or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

(2) Permission to use adjustable pricing given under this paragraph may be revoked at any time in the manner in which it was given. It shall be deemed revoked on the day on which authority to establish a maximum price is granted, or such maximum price is otherwise established pursuant to this section: *Provided,* That with respect to any sale which the applicant is required to make at a price posted or listed with a state or other public authority, he may continue so to sell, offer to sell or deliver the wine or related product until the effective date for prices thus posted or listed at the first opportunity after the 4th day (including Sundays and holidays) after the authority applied for is granted, or an applicable maximum price is otherwise established pursuant to this section.

(d) *Contents of application.* The application shall be in writing, signed by the processor or his authorized agent, and sent in duplicate to the Office of Price Administration, Beverage Section, Washington, D. C., by registered mail, return receipt requested. It shall contain the following:

(1) The processor's name and address, and the name and address of the person signing the application.

(2) The section of this Article which requires or permits applicant to file the application.

(3) A description of the wine or related product for which authority to establish a maximum price is sought, including (if the subject of the application is packaged wine) a statement of the date on which OPA Form No. 635-369a, 635-369b or 635-369c was filed for the particular brand, or if no such form was filed, copies of the approved front label and the back label, if any, of any one container size of the wine. The description shall supply the following information if not disclosed by the form previously filed with the Office of Price Administration or by such labels:

(i) The kind of wine, e. g. still wine, sparkling wine, carbonated wine, etc.

(ii) The type of wine, e. g. Sherry, Port, Muscatel, etc.

(iii) The sub-type designation of the wine, e. g. natural, dry, pale dry, etc.

(iv) The appellation of origin, such as Napa Valley, Livermore Valley, etc.

(v) Alcohol content of wines containing 14% or more alcohol by volume. For wines containing less than 14% alcohol by volume, alcohol content may, but need not be stated.

(vi) For bulk wine, the brand name, if any.

(4) The maximum price f. o. b. processor's premises which applicant proposes to establish for his sales of the wine or related product to each of his classes of customers for each package and case size. If applicant has established maximum prices therefor under sections 4.3, 4.5 or 4.6 for sales to certain of his classes of customers the application shall state such maximum prices and the classes of customers to which each applies.

NOTE: Proposed maximum prices for sales in packages must be stated f. o. b. processor's premises in carload quantity, including United States excise taxes, for each package size and class of customers applicant desires to sell. Proposed maximum prices for sales in bulk must be stated f. o. b. processor's premises in carload quantity, exclusive of all United States, state or local excise taxes, and if applicant desires to sell in barrels or other containers, shall state the amount included therein for such barrels or containers.

(5) If the processor seeks to establish a special maximum price for non-current wine he shall certify that he is unable to determine an adjusted March 1942 price for the type and quality of wine and shall state all facts pertinent to a determina-

tion of the character of the wine and its proper price class, including (but not limited to):

(i) A description of the kinds and varieties of grapes from which such wine is produced, the name of the regions or districts in which such grapes were grown, and a statement of the season in which such grapes were purchased and applicant's costs therefor.

(ii) In the instance of vintage wine, the vintage year thereof.

(iii) In the instance of wine produced by blending component wines, the ages, types and characteristics of the component wines.

(iv) A description of the cellar treatment given to the wine and applicant's cost for such treatment. The description of cellar treatment shall include a statement of the length of time the wine has been aged, the nature of the cooperage used for that purpose, and the fining, stabilization, racking, binning and other cellar treatment given to it, and shall contain a comparison of the methods and costs of such cellar treatment with the methods and costs of cellar treatment given by applicant to current wine, with an explanation of any differences in methods.

(e) *When and how authority is given or denied*—(1) *Approval of or objection to application.* If within 60 days (including Sundays and holidays) after receipt of the application by the Office of Price Administration, the applicant shall not receive notice of objection to the maximum prices proposed in his application by letter from the Office of Price Administration, he shall be deemed authorized to establish such maximum prices for sales of the wine or related product in the container sizes and to the particular classes of customers described therein: *Provided,* That if within the 60 day period the Office of Price Administration shall by letter request supplemental information with respect to any matter stated in or omitted from the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the applicant received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum prices requested in his application.

(2) *By order or amendment.* The Price Administrator may, at any time, by order or by amendment to this Article establish maximum prices for sales of any type or quality of domestic wine or related product to one or more classes of customers. The maximum prices established by any such order or amendment shall supersede all maximum prices previously authorized under (1) above.

(f) *Compliance with price posting or listing requirements.* Permission to use adjustable pricing and authority to establish maximum prices granted by the Price Administrator pursuant to application under this section, or by order or by amendment to this article shall not authorize an applicant to sell or offer an item for sale until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

SEC. 4.10 *Notice of maximum prices to consumers.* (a) Each processor who sells or offers packaged domestic wine for sale to consumers shall adopt before October 22, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this article:

(1) *Use of marking on individual containers.* Before delivering an item to a consumer, a processor may mark on the container in plainly visible letters and figures, his selling price for the particular brand and container size (exclusive of retail sales taxes) and a statement that the price so marked is his maximum price under this Article or less, and his name and address. The following:

OPA Price $_____
(insert amount)

_____
(name of processor)

_____
(address of processor)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

A processor who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of packaged domestic wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of packaged domestic wine to a consumer, the processor may hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container, size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes), and

(iii) The name and address of the processor and date of sale.

A processor complying with this requirement shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting in the processor's establishment.* A processor may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of packaged domestic wine offered for sale to consumers, his maximum price therefor and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When more than one type, quality or container size of a particular brand is offered for sale, each such type, quality or container size and the maximum price thereof shall be separately itemized. Such list may also contain the processor's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the processor's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. A processor complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, a processor may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. A processor complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer an item for sale to a consumer until his selling price therefor is thus marked.

(iii) A processor posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(b) The provisions in this section shall not apply to a processor's sales of an unopened case of individual containers or to his prices therefor.

SEC. 4.11 *Other provisions of this regulation applicable to sales for which maximum prices are established under this article.* The following sections of Article VII of this regulation shall apply to sales for which maximum prices are established under this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

Section 7.2 *When a sales tax may be charged in addition to a maximum price.*

Section 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*

Section 7.4 *Use of minimum resale prices under state Fair Trade laws.*

Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

Section 7.7 *Export sales.*

Section 7.8 *Compliance with this regulation.*
Section 7.9 *Current records required.*
Section 7.10 *Petitions for amendment.*
Section 7.11 *Adjustable pricing in certain instances.*
Section 7.12 *Definitions.*
Section 7.13 *Geographical applicability.*

SEC. 4.12 *Dates on which this article shall apply.* This article shall apply to all sales and offers to sell and deliveries of bulk or packaged California grape wine and related products for which maximum prices are established or provided for therein, made on and after but not before October 22, 1943, by any seller subject thereto: *Provided,* That this article shall not apply to deliveries made on and before October 31, 1943 pursuant to sales or contracts to sell made prior to October 1, 1943: *And provided further,* That this article shall not apply to any sale which a seller is required by statute, ordinance or regulation to make at a price posted or listed prior to October 7, 1943 with a state or other public authority (if the price so posted or listed is greater or less than that established under this Article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after October 12, 1943.

4. Section 6.1 is revoked, a new section 6.1 is substituted therefor, and sections 6.2 through 6.5 inclusive are added to read as follows:

SEC. 6.1 *Purposes of Article VI*—(a) *Generally.* Article VI establishes maximum prices for certain services supplied in connection with the production, sale and distribution of domestic distilled spirits and wine. Maximum prices for services other than those specifically provided for herein shall be determined in accordance with the provisions of the General Maximum Price Regulation or Revised Maximum Price Regulation No. 165,[5] as may be applicable.

(b) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation Article VI supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration prior to October 7, 1943, with respect to the services for which it establishes maximum prices, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Revised Maximum Price Regulation No. 165;

(3) Section 1499.26 (b) (16) of Revised Supplementary Regulation No. 11;[6] *Provided,* That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular transaction until the provisions of this article become applicable thereto pursuant to section 6.5.

SEC. 6.2 *General rules for figuring maximum prices under this article.* (a) Unless otherwise specifically provided, the maximum price established by this article for a particular service is the highest price that may be charged for that service by the person who supplies or causes it to be supplied. Such maximum price shall not be evaded or avoided by splitting the performance of the service into component elements and charging separate prices for each element which in the aggregate, exceed the maximum price for the entire service.

(b) Prices charged for a service for which a maximum price is provided by this Article shall, in each instance, be separately stated in the seller's invoice. Where such service is supplied as part of, or in conjunction with the supply of another service to which this article does not apply, the price charged for such other service shall not exceed the seller's maximum price therefor established under other applicable regulations or orders of the Office of Price Administration.

(c) *Deposit charges on containers.* Any seller who during March 1942 customarily required a deposit charge to assure the return of containers used in shipment may continue to require such deposit charge and may from time to time adjust such deposit charge to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices. Any seller who did not require a deposit charge for containers during March 1942 and who desires to do so, may institute such deposit charge and adjust the same from time to time to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices.

(d) *Treatment of broker's or finder's compensation.* A broker or finder taking part in any transaction to which this article applies shall be deemed to represent either the person performing the service or the person for whom the service is performed in accordance with customary trade practice during March 1942. If the broker or finder represents the person performing the service, the amount paid to the broker or finder by or for the account of the person for whom the service is performed, plus the amount paid by that person to the person performing the service shall not exceed the maximum price for such service established under this article. If the broker or finder represents the person for whom the service is performed, no part of any amount paid to the broker or finder by or for the account of that person shall be paid to or received (directly or indirectly) by the person performing the service. In such instances the amount paid to the broker or finder as compensation for his service shall not exceed the maximum price for such services as established under this article.

SEC. 6.3 *Maximum prices for specified services.* A seller's maximum price for any service listed below shall be as follows:

(a) *Buying services and maximum price.*

(1) Commission, brokerage or fee for procuring a seller of, or for buying for the account of another, grapes, fruits or berries for winery or distillery use, 50 cents per ton of grapes, fruit, or berries purchased for delivery to the winery or distillery.

(2) Commission, brokerage or fee for procuring a seller or buyer of bulk domestic grape spirits, bulk domestic neutral brandy, bulk domestic spirits-fruit, or bulk California grape wine, or for procuring a processor to convert grapes into California grape wine, 5% of the seller's billing price (not in excess of his maximum price) for the commodity or service sold.

(3) Commission, brokerage or fee for procuring a seller or buyer of packaged California grape wine, 5% of the seller's billing price (not in excess of his maximum price) for the quantity sold but not in excess of 50 cents per case.

(b) *Services related to the production of California grape wine and maximum price.*

(1) Converting grapes into unfinished California grape wine (including weighing of grapes, crushing, pressing, fermenting, distilling or furnishing fortifying spirits, fortifying, cooking, racking, cellar treatment necessary to effect stabilization, storage to the March 31st (but not exceeding 180 days) following the date of crushing, and loading the bulk unfinished wine into tank cars or tank trucks: A price according to the type of wine as follows: *Red table wine:* $9.00 per ton of grapes weighed and crushed, or 6 cents per gallon of wine delivered, whichever is the lower. *White table wine:* $10.00 per ton of grapes weighed and crushed, or 8 cents per gallon of wine delivered, whichever is the lower. *Dessert wine:* $3.00 per ton of grapes weighed and crushed, or 10 cents per gallon of wine delivered, whichever is the lower.

(2) Finishing of California grape wine by the person who converts the grapes into the unfinished wine, including storage to the March 31st (not exceeding 180 days) following date of crushing: A price according to the type of wine as follows: *Table wine:* 2½ cents per gallon of wine delivered to the person for whom the service is performed. *Dessert wine:* 1½ cents per gallon of wine delivered to the person for whom the service is performed.

(3) Finishing of California grape wine by the person who did not convert the grapes into the unfinished wine (not including storage charges): A price according to the type of wine as follows: *Table wine:* 2½ cents per gallon of wine delivered to the person for whom the service is performed. *Dessert wine:* 1½ cents per gallon of wine delivered to the person for whom the service is performed.

NOTE: Finishing includes giving the wine the cellar treatment generally recognized as necessary to make stabilized unfinished wine into finished wine suitable for packaging.

(4) Storage of California grape wine in cooperage or tanks of the person converting the grapes into the wine stored, ¼ cent for each 30 days of storage after the March 31st or 180 days (whichever is earlier) following date of crushing.

(5) Storage of California grape wine in cooperage or tanks of persons who did not convert the grapes into the wine stored (other than storage in public warehouses),

[5] 7 F.R. 6428, 6966, 8239, 8431, 8793, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

[6] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894; 8 F.R. 130, 149, 2215, 3068, 3372, 4139, 4783, 4521, 4978, 5820, 6673, 7262, 7668, 7670, 8541, 8512, 9025, 9066, 9880, 10573, 10939, 11247, 11434.

¼ cent for each 30 days of storage (cost of unloading and loading out is included in this rate).

NOTE: The maximum price for storage of California grape wine does not include field warehouse charges (other than for storage) if any, which may be added at legally established rates, or taxes on the commodity stored, or premiums on policies of insurance protecting the owner thereof.

(6) Barreling of California grape wine for shipment in barrels, 2 cents per gallon of wine barreled and shipped in barrels.

NOTE: The maximum price for barreling does not include the cost of cooperage. If the seller performing the service furnishes cooperage which upon delivery to the person for whom the service is performed, becomes that person's property, the seller may add a charge for the barrels not in excess of his maximum price therefor.

(7) Packaging and casing California grape wine: A maximum price per case determined under other applicable regulations and orders of the Office of Price Administration.

(c) *Services related to the production of distilled spirits.*

(1) Distilling grape spirits, spirits-fruit or neutral brandy from:

	Maximum price
(i) Grapes or raisins (ii) Fruits or berries, (except grapes and raisins), including fresh, dried, canned, frozen or other processed or partially processed forms and including culls, clippings, skins, waste and other commodities (except juices) permitted to be distilled under Food Distribution Order No. 69 issued by the War Food Administration.	20 cents per proof gallon distilled and delivered.
(iii) Juices of grapes, fruits and berries as described in (i) and (ii). (iv) Other distilling materials including wine, wine wash, pomace wash, lees wine, brandy, and other distilling materials in liquid form.	20 cents per proof gallon distilled and delivered.

NOTE: Maximum prices under (1) include unloading and handling the distilling material and loading the product into tank cars or tank trucks, drums or other containers. If the distiller furnishes the drums or other containers which upon delivery to the person for whom the distilling service is performed, become that person's property the seller may add a charge for such containers not in excess of his maximum price therefor.

(2) Packaging and casing distilled spirits: A maximum price per case determined under other applicable regulations and orders of the Office of Price Administration.

SEC. 6.4 *Other provisions of this regulation applicable to transactions for which maximum prices are established by this article.* The following sections of Article VII of this regulation shall apply to transactions for which maximum prices are established by this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*
Section 7.2 *When a sales tax may be charged in addition to a maximum price.*
Section 7.3 *When new taxes, or increases in existing taxes may be added.*
Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*
Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*
Section 7.8 *Compliance with this regulation.*
Section 7.9 *Current records required.*
Section 7.10 *Petitions for amendment.*
Section 7.11 *Adjustable pricing.*
Section 7.12 *Definitions.*
Section 7.13 *Geographical applicability.*
Section 6.5 *Dates on which this article shall apply.*

This article shall apply to every sale, supply, delivery or offer to sell, supply or to deliver any of the services specified therein on and after October 7, 1943.

5. Sections 7.12 (a) (11) and (12) are amended and sections 7.12 (a) (15) through (41) inclusive are added to read as follows:

(11) "Bulk" or "in bulk" when used with reference to distilled spirits means that commodity in containers having a capacity in excess of one wine gallon. "Bulk" or "in bulk" when used with reference to wine means that commodity in containers having a capacity of five wine gallons or more.

(12) "Packaged" or "in packages" when used with reference to distilled spirits means that commodity in containers having a capacity of one wine gallon or less. "Packaged" or "in packages" when used with reference to wine means that commodity in containers having a capacity of less than 5 wine gallons.

(15) "Whiskey" means the commodities included in Class 2 of Article II of Regulations No. 5.

(16) "Brandy" or "commercial brandy" means brandy produced from grapes in accordance with section 3036 of the Internal Revenue Code, and barreled for aging. "Brandy" or "commercial brandy" does not include neutral spirits produced from grapes, or neutral brandy produced from grapes, as defined in Regulations No. 5.

(17) "Grape spirits" means wine spirits (except commercial brandy) produced from grapes in accordance with section 3036 of the Internal Revenue Code and includes the following when made from grapes; spirits-fruit, spirits-fruit processed, neutral brandy, high proof and high wines.

(18) "Neutral brandy" means spirits otherwise conforming to the definition of brandy, distilled on or after July 1, 1941 at more than 170° proof.

(19) "Spirits-fruit" means spirits distilled from any fruit or fruit waste, refuse, pomace or other fruit substance at or above 190° proof, whether or not such proof is subsequently reduced, and includes "spirits-fruit processed". "Spirits-fruit processed" means spirits distilled from any fruit, fruit waste, refuse, pomace or other fruit substance at less than 190° proof and so distilled or treated in the process of distillation, or refined by other processes after distillation, as to lack the taste, aroma, and other characteristics of brandy or fruit brandy.

(20) "High proof" and high wines" made from grapes, fruits or berries shall for the purposes of Article II of this Regulation be deemed spirits-fruit as defined above.

(21) "California grape wine" means grape wine produced in the State of California from grapes grown in California.

(22) "Grape wine" means grape wine produced in accordance with sections 3032, 3036, and 3044 of the Internal Revenue Code.

(23) "Dessert wine" means grape wine having an alcohol content in excess of 14 percent by volume but not in excess of 21 percent by volume to which wine spirits have been added in accordance with section 3032 of the Internal Revenue Code. Dessert wine shall also include finished grape wine (except Spanish type blending sherry) having an alcohol content in excess of 21 percent by volume but not in excess of 24 percent by volume and otherwise conforming to the definition therof. Dessert wine also includes Vermouth and flavored wines which, except for flavoring material, conform to the definition thereof.

(24) "Table wine" means grape wine other than dessert wine. Except where otherwise stated, the term "table wine" includes sparkling, carbonated and flavored wines which, except for effervescence or flavoring material, otherise conform to the definition thereof.

(25) "Sparkling wine" means grape wine rendered effervescent by secondary fermentation of the wine in a closed container, tank or bottle.

(26) "Carbonated wine" means grape wine rendered effervescent otherwise than by secondary fermentation in a closed container, tank or bottle.

(27) "Vermouth" means the flavored dessert wine defined in section 21, Class 7 of Regulations No. 4.

(28) "Flavored wine" means table wine or dessert wine to which aromatics and other flavoring materials have been added.

(29) "Berry wine" means any wine produced exclusively from berries (other than grapes) in accordance with sections 3032 and 3044 of the Internal Revenue Code, and includes high acid berry wines "made with over 35% sugar solution" within the limitations provided in section 22 (b) (5) of Regulation No. 4.

(30) "Fruit wine" means any wine produced from fruits other than grapes in accordance with sections 3032 and 3044 of the Internal Revenue Code.

(31) "Mixed wine" means wine made from grapes and berries, whether or not the wine is produced from a mixture of the separate material ingredients or from a mixture of the resulting wines.

(32) "Red table wine" means table wine which contains the red coloring matter of the skins, juice, or pulp of grapes.

(33) "White table wine" means table wine which does not contain the red

coloring matter of the skins, juice or pulp or grapes, and also includes vin-rosé and other pink table wine.

(34) "Lees" means solids deposited from wine during storage.

(35) "Lees wine" means dessert wine or table wine containing a substantial proportion of lees.

(36) "Spanish type blending sherry" means dessert wine having concentrated sherry characteristics and a minimum total solids content of 16° Balling and a minimum alcohol content of over 19 percent by volume.

(37) "Light sweet wine" means table wine with a total solids content of not less than 7° Balling, and shall also include table wines, baked in such manner as to have substantial sherry characteristics.

(38) "Concentrates" means boiled or condensed grape must concentrated to a minimum of 55° Balling and a maximum of 80° Balling.

(39) "Current wine" means California grape wine produced entirely or in principal part from grapes of the 1942 and/or 1943 crops and sold or offered for sale by a processor prior to March 1, 1944, and also California grape wine produced entirely or in principal part from grapes of the 1943 crop and sold or offered for sale by a processor prior to March 1, 1945: *Provided,* That the term "current wine" shall not include the following:

(i) California grape wine produced principally from varietal types of grapes;

(ii) Sparkling and carbonated wines;

(iii) Vermouth and all other flavored wines;

(iv) Lees wine;

(v) Spanish type blending sherry.

(40) "Non-current wine" means all California grape wine except current wine as defined in (39) above.

(41) "Varietal types of grapes" means the following varieties of grapes if grown in the State of California:

Red varieties: Cabernet Sauvignon, Pinot Noir, and Gamay (Gamai).

White varieties: Semillon, Sauvignon Blanc, Pinot Blanc, Pinot Chardonnay, Traminer, Riesling, Folle Blanche, Muscatel de Bordelaise, Ugni Blanc, Muscat de Frontignan, Muscat Canelli, and Gutedel.

Provided, That wine shall not be deemed produced principally from varietal types of grapes unless 51% or more of its volume is derived exclusively from such grapes.

6. Section 7.12 (b) (2) is amended, and sections 7.12 (b) (13) through (18) are added to read as follows:

(2) "Processor" means any person who

(i) Produces or blends distilled spirits or wine, or who is a packer of bulk wine, (including but not limited to) a distiller, rectifier, vintner or packer or who

(ii) Bottles under any brand name distilled spirits or wine belonging to him, or who

(iii) Causes distilled spirits or wine belonging to him to be bottled or blended for his account under his own brand name, or who

(iv) Bottles or causes to be bottled for his account distilled spirits or wine he has purchased under a license contract.

(13) "Bottler" means any person located anywhere in the continental United States who packages distilled spirits in containers of one gallon or less each, or wine in cointainers of less than 5 gallons each.

(14) "Packer" means any person other than a vintner who sells or repacks bulk wine in containers of 5 gallons or more capacity. A packer may also be a bottler.

(15) "Vintner" means any person who produces wine in a Federal bonded winery in accordance with the provisions of the Internal Revenue Code.

(16) "Winery" means a bonded winery established in accordance with the provisions of the Internal Revenue Code.

(17) "Processor's premises" means a processing plant, including bottling, warehousing, storage and other facilities adjacent thereto, from which shipment of distilled spirits, wine, related products, or other commodities covered by this regulation, is made. No amount may be added to any maximum price established under this regulation to cover the cost of handling those commodities between parts of a processor's premises, or for expense of hauling, drayage or handling within the metropolitan area of a processor's premises.

If a processor has an established practice of invoicing distilled spirits, wines, related products or the other commodities covered by this regulation, from a shipping point or basing point in part of the State in which one or more of his processing premises are located, such shipping point or basing point may be deemed the processor's premises if he follows a uniform practice in that respect.

(18) "Dealer" means any person other than the processor, who buys and sells a commodity to which sections 2.4 or 4.6 (h) apply without substantially changing its form, and who maintains a warehouse for storage and handling of the commodity.

7. Sections 7.12 (d) (6) through (8) inclusive are added to read as follows:

(6) "Naked f. o. b. processor's premises" with reference to a price means that price at such place exclusive of the cost of containers, and any applicable United States, state and local excise taxes and California state marketing order assessment.

(7) "Carload quantity" or "carload" includes truck loads and tank truck loads in the appropriate instances, and means a quantity of the particular commodity (in bulk or in packages as the case may be) having a weight equal to or in excess of the minimum weight required by common or contract carrier for shipment in that form at carload, truck load or tank truck rates respectively.

(8) "March 1942 freight base zone" means the receiving points, warehouses and stores from which the monopoly state during March 1942 delivered distilled spirits and wines, and any other points within the same state from which it elects to and does make such deliveries.

8. Section 7.12 (e) (10) and (11) are added to read as follows:

(10) "Gallon" or "wine gallon" when used in this regulation without qualifying adjective or phrase means a standard U. S. wine gallon of 231 cubic inches, at 68° Fahrenheit (20° Centigrade).

(11) "Warehouse receipt" means the warehouse receipt for bulk domestic distilled spirits provided for in section 3 of Regulations No. 3 issued by the Federal Alcohol Administration relating to Bulk Sales and Bottling of Distilled Spirits.

This amendment shall become effective October 7, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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.

Issued this 1st day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16116; Filed, October 2, 1943; 5:02 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[RPS 9,[1] Amdt. 5]

HIDES, KIPS AND CALFSKINS

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

Revised Price Schedule No. 9 is amended in the following respect:

The effective date of Amendment 3 is hereby postponed from October 1, 1943 to December 1, 1943.

This amendment shall become effective October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16123; Filed, October 2, 1943; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1,[2] Amdt. 31]

EXEMPTIONS OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION

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

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

[1] 7 F.R. 1227, 2030, 2132, 5703, 8348; 8 F.R. 2337, 11676, 12312.

[2] 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7532, 7600, 7663, 8710, 8754, 9016, 9025, 9218, 9219, 10002, 10364, 10709, 11572, 11754, 11738, 11814, 11951, 12405, 12793, 13171.

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

Section 4.3 (k) of Revised Supplementary Regulation No. 1 is amended to read as set forth below:

(k) The following commodities—but this exception shall expire January 1, 1944:

(1) The following ski troop equipment: carabiners, ice axes, pitons, ski bindings, ski poles, ski wax, mountain and ski goggles;

(2) Field ranges, Model—1937 (quartermaster corps); spare parts thereof, Class A.

(3) Deliveries of the following commodities pursuant to contracts entered into prior to January 1, 1943:

(i) Accessories for field range Model—1937 (quartermaster corps), Parts 222, 223, 224, 225, 226, 227, 228, 229, 230, as listed in Instructions for Operation and Care of Gasoline Field Range, Model—1937 (quartermaster corps);

(ii) Metal insignia, cap and collar (for enlisted men).

(4) Deliveries of canteen cups and meat cans, Model M-1942 pursuant to contracts entered into prior to April 1, 1943.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16125; Filed, October 2, 1943; 5:04 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 29, Supp. 5]

PART 341—SHIP WARRANT RULES AND REGULATIONS

SUSPENSION OF RATE CEILINGS

General Order 29 (§ 341.75 *Suspension of rate ceilings with respect to vessels of less than 1,000 gross tons*), as amended, is amended by striking out the word, "October", and inserting in lieu thereof the word, "December".

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

SEPTEMBER 30, 1943.

[F. R. Doc. 43-16064; Filed, October 2, 1943; 10:24 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—GENERAL RULES AND REGULATIONS

INSPECTION OF TOWER LIGHTS AND ASSOCIATED CONTROL EQUIPMENT

The Commission on September 28, 1943, effective October 28, 1943, adopted the following new section:

§ 2.82 *Inspection of tower lights and associated control equipment.* The licensee of any radio station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each twenty-four hours to ensure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communications Station or Office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each three months, all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-16089; Filed, October 2, 1943; 12:41 p. m.]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

LOGS

The Commission on September 28, 1943, effective October 28, 1943, amended § 3.404 *Logs* by the addition of the following paragraph (c):

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b) and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-16090; Filed, October 2, 1943; 12:41 p. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

STATION RECORDS AND LOGS

The Commission on September 28, 1943, effective October 28, 1943, amended § 4.5 *Station records*, by changing paragraph (b) to read as follows:

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

The Commission also amended § 4.264 *Logs* by adding the following new paragraph (d):

(d) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)).

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16091; Filed, October 2, 1943; 12:41 p. m.]

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

RECORDS OF OPERATION

The Commission on September 28, 1943, effective October 28, 1943, amended § 5.28 *Records of operation* by changing paragraph (b) to read as follows:

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16092; Filed, October 2, 1943; 12:42 p. m.]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

INSPECTION OF ANTENNA TOWER LIGHTING

The Commission on September 28, 1943, effective October 28, 1943, adopted the following new section:

§ 6.39 *Inspection of antenna tower lighting.* Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b) and (c) as follows:

(a) The time the tower lights are turned on and off if manually controlled.

(b) The time the daily visual observation of the tower lights was made.

(c) In the event of any observed failure of a tower light,

(1) Nature of such failure.

(2) Time the failure was observed.

(3) Time and nature of the adjustments, repairs or replacements made.

(4) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(5) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months,

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(2) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16093; Filed, October 2, 1943; 12:42 p. m.]

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

RECORD OF ANTENNA TOWER LIGHTING INSPECTIONS

The Commission on September 28, 1943, effective October 28, 1943, adopted the following new section:

§ 7.83 *Record of antenna tower lighting inspections.* Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(a) The time tower lights are turned on and off if manually controlled.

(b) The time the daily visual observation of the tower lights was made.

(c) In the event of any observed failure of a tower light,

(1) Nature of such failure.

(2) Time the failure was observed.

(3) Time and nature of the adjustments, repairs, or replacements made.

(4) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(5) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months,

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements.

The Commission also amended § 7.96, *Additional regulations,* by the addition of a new paragraph (j) to read as follows:

(j) Section 7.83 Record of antenna tower lighting inspections.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16094; Filed, October 2, 1943; 12:42 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

INFORMATION REQUIRED IN STATION LOGS

The Commission on September 28, 1943, effective October 28, 1943, amended § 9.41 to read as follows:

§ 9.41 *Information required in station logs.* (a) All stations in the aviation service except aircraft stations must keep an adequate log showing:

(1) Hours of operation.

(2) Frequencies used.

(3) Stations with which communication was held.

(4) Signature of operator(s) on duty.

(b) Where an antenna or antenna supporting structure(s) is required to be

illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16095; Filed, October 2, 1943; 12:42 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

FREQUENCIES AVAILABLE FOR ASSIGNMENT TO CHAIN SYSTEMS

The Commission, on September 28, 1943, effective immediately, amended § 9.73 (h) I, 1 of the Commission's Rules to read as follows:

1. Inter-American Route. Available for aeronautical and aircraft stations:

3082.5	6583	8225 [24]	17257
5405	6590	8233 [24]	17274
5692.5	6597	11381	23301
6557 [23]	8217 [24]	11394	23324

Available for aeronautical fixed stations: A-1 emission only.

2648	9310 [22]	10535 [10]	16240
5370	9785	10640	16290 [10 26]
5375	10020	10847.5 [27]	16310 [26]
6680 [25]	10440	10955	
8705 [10]			
8910			

[10] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[22] For use on routes lying south of the United States only.

[23] Additional frequency to be used only in case of interferences or when traffic conditions do not permit the use of the other frequencies assigned to this route. Not to be used in continental United States.

[24] Priority is recognized of the service existing outside the American continents as of January 1938.

[25] This frequency is available only as long as the present unlimited national emergency exists, and it may be authorized only in the Miami, Florida, area.

[26] This frequency is available only as long as the present unlimited national emergency exists, and it may be authorized only in the Brownsville, Texas, area.

[27] Available for assignment on the condition that no objectionable interference is caused to domestic United States Blue and Green Chain operations on 10855 kilocycles.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16096; Filed, October 2, 1943; 12:41 p. m.]

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

CONTENTS

The Commission on September 28, 1943, effective October 28, 1943, amended § 10.101 to read as follows:

§ 10.101 *Contents.* (a) Each licensee shall maintain adequate records of the operation of the station including:

(1) Hours of operation.

(2) Nature and time of each communication.[13]

(3) Frequency measurements.

(4) Name of operator on duty at the transmitter.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

[13] It is intended by the use of the word "communication" in this section that a single entry will cover the substance as a whole of the initial call, answer, or acknowledgment, and all related transmissions incidental to delivery of the primary message for any single emergency.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements.

(c) In the cases of groups of stations, either land or land and mobile, operating as a single coordinated communication system controlled from a single point, a single log may be maintained at a central location: *Provided,* That such log records the required information with respect to all stations in the network.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16097; Filed, October 2, 1943; 12:42 p. m.]

PART 11—RULES GOVERNING MISCELLANEOUS RADIO SERVICES

LOGS

The Commission on September 28, 1943, effective October 28, 1943 amended § 11.45 to read as follows:

§ 11.45 *Logs.*[6] (a) Each station licensee shall maintain adequate records of the operation of the station including:

(1) Hours of operation.

(2) Nature and time of each transmission.

(3) Name of operator on duty at the transmitter.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 2.82 (a), (b), and (c) as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination resumed.

(4) Upon completion of the periodic inspection required at least once each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

[6] For additional provisions with respect to logs see §§ 2.54 to 2.58 of Part 2—General Rules and Regulations.

(c) In the cases of groups of stations, either fixed or fixed and mobile, operating as a single coordinated communication system controlled from a single point, a single log may be maintained at a central location: *Provided,* That such log records the required information with respect to all stations in the system.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-16098; Filed, October 2, 1943; 12:43 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Amendment 3 to Service Order 145]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON IDAHO AND OREGON POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 145, as amended:

It is ordered, That Service Order No. 145, as amended, is hereby further amended by adding to sub-paragraphs (i) and (ii) of paragraph (a) (1) of § 95.316, *Icing restrictions on Idaho and Oregon potatoes,* the towns of Denver, Colo., and North Platte, Nebr., as icing stations where the first or initial icing of potatoes shall not be in excess of ¾ bunker capacity. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-16066; Filed, October 2, 1943; 11:23 a. m.]

[Service Order 157]

PART 95—CAR SERVICE

CARLOADS OF LIME ROCK FROM BUDA TO STARKE, FLA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of October, A. D. 1943.

It appearing, that approximately three hundred carloads of lime rock will move from Buda to Starke, Fla., (Camp Blanding), 36.3 miles on the Seaboard Air Line Railway, and that the nearest track scale is 26 miles beyond Starke, at Baldwin, Fla., and that a 52 mile out-of-line haul will be necessary to weigh these cars; the Commission is of the opinion that an emergency exists requiring immediate action. *It is ordered,* That:

§ 95.31 *Carloads of lime rock Buda to Starke, Fla., (Camp Blanding), not to be weighed.* (a) The Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers) shall not weigh, or permit to be weighed, any carload shipments of lime rock from Buda to Starke, Fla., (Camp Blanding), requiring the movement to Baldwin, Fla., for weighing and return to Starke, a round trip of approximately 52 miles, except that not over ten cars of the type which will be used may be weighed, if necessary to obtain average weights; or average weights ascertained from previous similar movements can be used as agreed upon by the parties concerned. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) on announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-16067; Filed, October 2, 1943; 11:23 a. m.]

Chapter II—Office of Defense Transportation

[Revocation of Special Direction ODT 7, Rev. 2, as Amended]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to Executive Order 8989, Special Direction ODT 7, Revised-2, as amended, (8 F.R. 10446, 11815) is hereby revoked, effective October 3, 1943.

(E.O. 8989, 6 F.R. 6725)

Issued at Washington, D. C., this 30th day of September 1943.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

[F. R. Doc. 43-16034; Filed, October 2, 1943; 11:48 a. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1833, Amdt. 1]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

PLAN FOR COORDINATED PILCHARD PRODUCTION

Paragraph (i) of Order No. 1833 dated June 30, 1943 (8 F.R. 9233; 50 C.F.R. § 401.2) is hereby amended to read as follows:

§ 401.2 *Coordinated pilchard production plan* * * *

(i) *Deliveries to particular persons.* The Fishery Coordinator, or his representative, may direct the delivery of pilchards to particular persons whenever deemed necessary to promote an even flow of material to canning or reduction plants or to assure the maximum production of sardine products commensurate with available manpower and plant facilities. The delivery of fish or the receiving of fish in violation of direction shall be a violation of this order. When a system of directed deliveries has been set up pursuant hereto in any port, any person may apply to the representative of the Fishery Coordinator to be given a share of the fish received in that port, and such application shall be considered on its merits, giving proper weight to all the purposes of this order, including maximum production to meet the requirement for military and essential civilian supply, and economy in use of manpower and critical materials.

Issued this 28th day of September 1943.

HAROLD L. ICKES, *Secretary of the Interior.*

[F. R. Doc. 43-16105; Filed, October 2, 1943; 4:23 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

(1943 Dept. Circ. 653, 2d Rev.)

UNITED STATES SAVINGS BONDS; SERIES E WAR SAVINGS BONDS

AUGUST 31, 1943.

I. OFFERING OF UNITED STATES SAVINGS BONDS OF SERIES E

1. The Secretary of the Treasury, pursuant to the authority of the Second

Liberty Bond Act, as amended, offers for sale, to the people of the United States, United States Savings Bonds of Series E, currently designated War Savings Bonds, which may hereinafter be referred to as bonds of Series E, and their sale will continue until terminated by the Secretary of the Treasury. Bonds of a new design, without change in terms, will be provided for issue hereunder in regular course without further notice as stocks of the prior bonds of Series E become exhausted.

2. United States Savings Bonds of Series E include all bonds issued as Defense Savings Bonds under this circular as originally published, and all those issued as War Savings Bonds under this circular as previously or as now revised. As their terms are identical, no distinction is to be made between any bonds of Series E so issued.

II. DESCRIPTION AND TERMS OF BONDS

1. Bonds of Series E will be issued only in registered form, in denominations of $25, $50, $100, $500 and $1,000 (maturity values), at prices hereinafter set forth. Each bond will bear the facsimile signature of the Secretary of the Treasury, and will bear an imprint (in red) of the Seal of the Treasury. At the time of issue, on the face of each bond the issuing agent will inscribe the name and address of the owner, and the name of the coowner or beneficiary, if any, will enter the issue date (which is the first day of the month in which payment of the issue price is received by the Treasury or an authorized issuing agent), and will imprint his dating stamp (to show date the bond is actually inscribed). Bonds of Series E shall be valid only if duly inscribed and dated, as above provided, and delivered by the Treasury or an authorized issuing agent following receipt of payment therefore.

2. The bonds will, in each instance, be dated as of the first day of the month in which payment of the issue price is received by an agent authorized to issue the bonds, which date is hereinafter referred to as the issue date; the bonds will mature and be payable at face value 10 years from such issue date. The issue date is the basis for determining the redemption or maturity period of the bond, and the date appearing in the issuing agent's stamp should not be confused therewith. The bonds may not be called for redemption by the Secretary of the Treasury prior to maturity, but they may be redeemed prior to maturity, after 60 days from the issue date, at the owner's option, at fixed redemption values. No interest as such will be paid on the bonds, but they will increase in redemption value at the end of the first year from issue date, and at the end of each successive half-year period thereafter until their maturity, when the face amount becomes payable. The increment in value will be payable only upon redemption of the bonds. A table of redemption values appears on each bond. The purchase price of bonds of Series E has been fixed so as to afford an investment yield of about 2.9 percent per annum compounded semiannually if the bonds are held to maturity; if the owner exercises his option to redeem a bond prior to maturity the investment yield will be less. The table at the end of this circular shows: (1) How bonds of Series E, by denominations, increase in redemption value during the successive half-year period following issue; (2) the approximate investment yield on the issue price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity at the end of the 10-year period.

3. Bonds of Series E will not be transferable, and will be payable only to the owner named thereon, except in case of death or disability of the owner or as otherwise specifically provided in the regulations governing savings bonds, and in any event only in accordance with said regulations. Accordingly, after they are duly issued they may not be sold, discounted, hypothecated as collateral for a loan or the performance of a service, or disposed of in any manner other than as provided in the regulations governing savings bonds, and, except as provided in said regulations, the Treasury Department will recognize only the inscribed owner, during his lifetime, and thereafter his estate or heirs.

4. *Taxation.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for bonds of Series E (which are issued on a discount basis), and the redemption value received therefor (whether at or before maturity) shall be considered as interest, and such interest is not exempt from income or profits taxes now or hereafter imposed by the United States.[1] The bonds shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any of the possessions of the United States, or by any local taxing authority.

III. PURCHASE OF BONDS

1. *Agencies.* Bonds of Series E may be purchased, while this offer is in effect, as follows:

(a) *Over-the-counter for cash.* (1) At United States post offices of the first, second, and third classes, and at selected post offices of the fourth class, and generally at classified stations and branches.

(2) At such incorporated banks, trust companies and mutual savings banks, Federal savings and loan associations, and other organizations as are duly designated and have duly qualified as issuing agents pursuant to the provisions of Treasury Department Circular No. 657, as amended and supplemented, and at the Treasury Department, Washington, D. C., and at Federal Reserve Banks and Branches.

(b) *On mail order.* Bonds of Series E may be purchased by mail upon application to the Treasurer of the United States, Washington 25, D. C., or to any Federal Reserve Bank or Branch, accompanied by a remittance to cover the issue price. Any form of exchange, including personal checks, will be accepted, subject to collection. Checks, or other forms of exchange, should be drawn to the order of the Treasurer of the United States or the Federal Reserve Bank, as the case may be. Checks payable by endorsement are not acceptable.

(c) *Other agencies.* The Secretary of the Treasury, in his discretion, may designate other agencies for the issue of, or for the handling of applications for, bonds of Series E, which shall operate under such terms and conditions as the Secretary of the Treasury may prescribe or approve.

2. *Postal savings.* Subject to regulations prescribed by the Board of Trustees of the Postal Savings System, the withdrawal of postal savings deposits will be permitted for the purpose of acquiring savings bonds.

3. *United States War Savings Stamps for installment payments.* War Savings Stamps, in denominations of 10, 25, and 50 cents, and $1 and $5, may be purchased at any post office where bonds of Series E are on sale and at such other agencies as may be designated from time to time. These stamps may be used to accumulate credits for the purchase of War Savings Bonds. Albums, for affixing the stamps, will be available without charge, and such albums will be receivable, in the amount of the affixed stamps, on the purchase price of War Savings Bonds. Defense Postal Savings Stamps heretofore issued are included in the term War Savings Stamps and no distinction is to be made between any such stamps whether issued as Defense Postal Savings Stamps or as War Savings Stamps, and the stamps of either issue may be used interchangeably as credits for the purchase of War Savings Bonds.

4. *Issue prices.* The issue prices of the various denominations of bonds of Series E follow:

Denomination (maturity value)	$25.00	$50.00	$100.00	$500.00	$1,000.00
Issue (purchase) price	$18.75	$37.50	$75.00	$375.00	$750.00

IV. LIMITATION ON HOLDINGS

1. The amount of bonds of Series E originally issued during any one calendar year to any one person that may be held by that person at any one time shall not exceed $5,000, maturity value, computed in accordance with the provisions of the regulations governing United States Savings Bonds. If any person at any time acquires saving bonds issued during any one calendar

[1] For information concerning the taxable and exempt status under Federal tax laws of the interest (increment in value) on United States Savings Bonds issued on a discount basis (including bonds of Series E), and alternate methods of reporting such interest, see Internal Revenue Mimeograph, Coll. No. 5299, R. A. No. 1177, dated December 17, 1941. For credits on account of Victory Tax, see Internal Revenue Regulations 103, § 19.453 and 19.454, as amended by Treasury Decision 5249.

year in excess of the prescribed amount, the amount of such excess should immediately be surrendered for refund of the issue price.

V. AUTHORIZED FORMS OF REGISTRATION

1. Bonds of Series E may be registered only in the names of natural persons (that is, individuals), whether adults or minors, in their own right, as follows: (1) in the name of one person; (2) in the names of two (but not more than two) persons as coowners; and (3) in the name of one person payable on death to one (but not more than one) other designated person. Registration on original issues and on authorized reissues, whether as owners, coowners or designated beneficiaries, is restricted to residents of the United States (which for the purposes of this section shall include the territories, insular possessions and the Canal Zone), citizens of the United States temporarily residing abroad, and to nonresident aliens employed in the United States by the Federal government or an agency thereof: *Provided, however,* That on original issues of bonds, but not on reissues, a nonresident alien (not a citizen of an enemy nation) may be named as coowner or designated beneficiary, *And provided further,* That a nonresident alien, whether owner, coowner or beneficiary, succeeding to title on death of the owner, or succeeding to title upon the death of the surviving coowner or beneficiary will be entitled only to request and receive payment either at or before maturity.

2. Full information regarding authorized forms of registration and rights thereunder will be found in the regulations currently in force governing United States Savings Bonds.

VI. DELIVERY AND SAFEKEEPING OF BONDS OF SERIES E

1. Postmasters and other authorized issuing agents from whom bonds of Series E may be purchased are authorized to deliver such bonds, duly inscribed and dated, upon receipt of the issue price. Bonds not delivered in person and bonds issued against mail order applications will be delivered by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possession and the Canal Zone.[2] No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing aboard, bonds will be delivered at an address in the United States, or held in safekeeping, as the purchaser may direct. Personal delivery should not be accepted by any purchaser until he has verified that the correct name, or names, and address are duly inscribed, that the issue date (the first day of the month in which payment of the issue price was received by the agent) is duly entered, and that the dating stamp of the issuing agent is duly imprinted with current date—all on the face of the bond. If received by mail, the same verification should be made, and if any error in inscription or dating appears, such fact should immediately be reported to the issuing agent, and instructions requested.

2. Savings bonds of Series E will be held in safekeeping without charge by the Secretary of the Treasury if the holder so desires, and in such connection the facilities of the Federal Reserve Banks,[3] as fiscal agents of the United States, and those of the Treasurer of the United States, will be utilized. Arrangements may be made for such safekeeping at the time of purchase, or subsequently. Postmasters generally will assist holders in arranging for safekeeping, but will not act as safekeeping agents.

VII. PAYMENT AT MATURITY OR REDEMPTION PRIOR TO MATURITY

1. *General.* Any bond of Series E will be paid in full at maturity, or, at the option of the owner, after 60 days from the issue date, will be redeemed in whole or in part at the appropriate redemption value prior to maturity, following presentation and surrender of the bond, with the request for payment properly executed, all in accordance with the regulations governing savings bonds.

2. *Execution of request for payment.* The registered owner, or other person entitled to payment under the regulations governing savings bonds, must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign the request for payment, adding the address to which the check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use. Unless otherwise authorized in a particular case, the form of request appearing on the back of the bond must be used.

3. *Officers authorized to witness and certify requests for payment.* The officers authorized to witness and certify requests for payment of savings bonds are fully set forth in the regulations governing savings bonds, and include but are not limited to (1) United States postmasters and certain other post office officials or designated employees; (2) officers (or designated employees) of all banks or trust companies incorporated in the United States or its organized territories, including officers at domestic branches (within the United States or its territories or insular possessions and the Canal Zone), or at foreign branches; (3) officers of corporations and other organizations which are duly qualified as issuing agents; and (4) in those cases specified in the regulations, commissioned officers of the Army, Navy, Marine Corps and Coast Guard. All certificates must be authenticated by official seal, if there is one, or, if by an issuing agent, by an imprint of his dating stamp.

4. *Presentation and surrender.* After the request for payment has been duly executed by the person entitled and by the certifying officer, the bond must be presented and surrendered to a Federal Reserve Bank or Branch, or to the Treasurer of the United States, Washington 25, D. C., at the expense and risk of the owner. For the owner's protection, the bond should be forwarded by registered mail if not presented in person.

5. *Disability or death.* In case of the disability of the registered owner, or the death of the registered owner not survived by a coowner or a designated beneficiary, instructions should be obtained from a Federal Reserve Bank or Branch, or the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, before the request for payment is executed.

6. *Method of payment.* The only agencies authorized to pay or redeem savings bonds of Series E are the Treasurer of the United States and the Federal Reserve Banks and Branches. Postmasters are not authorized to make payment, but generally they will assist owners in securing payment, at or before maturity. Payment in all cases will be made by check drawn to the order of the registered owner or other person entitled to payment, and mailed to the address given in the request for payment.

7. *Partial redemption.* Partial redemption at current redemption value of a savings bond of Series E of a denomination higher than $25 (maturity value) is permitted, but must accord to an authorized lower denomination. In case of partial redemption the remainder will be reissued in authorized denominations bearing the same issue date as the bond surrendered.

VIII. SERIES DESIGNATION

1. United States Savings Bonds of Series E, issued during the calendar year 1943 are designated Series E–1943, and those which may be issued in subsequent calendar years will be similarly designated by the series letter E followed by the year of issue.

IX. LOST, STOLEN, OR DESTROYED BONDS

1. If a bond of Series E is lost, stolen, or destroyed, a duplicate may be issued on the owner furnishing a description of the bond and establishing its loss, theft or destruction.

2. In any case of the loss, theft or destruction of a bond of Series E, the owner should give immediate notice to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, briefly stating the facts and giving a description of the bond. On receipt of such notice, full instructions for procedure will be given the owner.

3. A descriptive record of each bond of Series E held should be kept by the owner, apart from the bonds, so that a full description of the bonds will be avail-

[2] During the War emergency the Treasury may suspend deliveries to be made at its risk and expense from or to the continental United States and its territories, insular possessions and the Canal Zone, or between any of such places. Bonds will be delivered to any address within the place in which they are issued or, if issued within the continental United States, will be held in safekeeping by the Federal Reserve Banks or the Treasury, as the purchaser may direct.

[3] Safekeeping facilities may be offered at some Branches of Federal Reserve Banks, and in such connection an inquiry may be addressed to the Branch.

able if they are lost, stolen, or destroyed. The record for each bond should show: (1) the denomination; (2) the serial number (with its prefix and suffix letter); (3) the inscription (name or names, and address, on the face of the bond); and (4) the issue date (month and year of issue).

X. GENERAL PROVISIONS

1. All bonds of Series E, issued pursuant to this circular, shall be subject to the regulations prescribed from time to time by the Secretary of the Treasury to govern United States Savings Bonds. Such regulations may require, among other things, reasonable notice in case of presentation of bonds of Series E for redemption prior to maturity. The present regulations governing savings bonds are set forth in Treasury Department Circular No. 530, Fifth Revision, as amended, copies of which may be obtained on application to the Treasury Department, or to any Federal Reserve Bank or Branch.

2. The Secretary of the Treasury reserves the right to reject any application for bonds of Series E, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

3. Postmasters in charge of post offices where bonds of Series E are on sale, under regulations promulgated by the Postmaster General, and Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such fiscal agency services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, safekeeping, redemption, and payment of bonds of Series E. Issuing agencies qualified pursuant to Treasury Department Circular No. 657, as amended or supplemented, will be subject to the provisions of that circular.

4. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, information as to which will be promptly furnished to the Postmaster General and the Federal Reserve Banks and Branches.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

UNITED STATES SAVINGS BONDS—SERIES E

TABLE OF REDEMPTION VALUES AND INVESTMENT YIELDS

Table showing: (1) How bonds of Series E, by denominations, increase in redemption value during successive half-year periods following issue; (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

Maturity value / Issue price	$25.00 / 18.75	$50.00 / 37.50	$100.00 / 75.00	$500.00 / 375.00	$1,000.00 / 750.00	(2) Approximate investment yield on purchase price from issue date to beginning of each half-year period	(3) Approximate investment yield on current redemption value from beginning of each half-year period to maturity
Period after issue date	(1) Redemption values during each half-year period						
						Percent	*Percent*
First ½ year	$18.75	$37.50	$75.00	$375.00	$750.00	0.00	[1] 2.00
½ to 1 year	18.75	37.50	75.00	375.00	750.00	.00	3.03
1 to 1½ years	18.87	37.75	75.50	377.50	755.00	.67	3.16
1½ to 2 years	19.00	38.00	76.00	380.00	760.00	.88	3.25
2 to 2½ years	19.12	38.25	76.50	382.50	765.00	.99	3.34
2½ to 3 years	19.25	38.50	77.00	385.00	770.00	1.06	3.52
3 to 3½ years	19.50	39.00	78.00	390.00	780.00	1.31	3.58
3½ to 4 years	19.75	39.50	79.00	395.00	790.00	1.49	3.60
4 to 4½ years	20.00	40.00	80.00	400.00	800.00	1.62	3.75
4½ to 5 years	20.25	40.50	81.00	405.00	810.00	1.72	3.87
5 to 5½ years	20.50	41.00	82.00	410.00	820.00	1.79	4.01
5½ to 6 years	20.75	41.50	83.00	415.00	830.00	1.85	4.18
6 to 6½ years	21.00	42.00	84.00	420.00	840.00	1.90	4.41
6½ to 7 years	21.50	43.00	86.00	430.00	860.00	2.12	4.36
7 to 7½ years	22.00	44.00	88.00	440.00	880.00	2.30	4.31
7½ to 8 years	22.50	45.00	90.00	450.00	900.00	2.45	4.26
8 to 8½ years	23.00	46.00	92.00	460.00	920.00	2.57	4.21
8½ to 9 years	23.50	47.00	94.00	470.00	940.00	2.67	4.17
9 to 9½ years	24.00	48.00	96.00	480.00	960.00	2.76	4.12
9½ to 10 years	24.50	49.00	98.00	490.00	980.00	2.84	4.09
Maturity value (10 years from issue date)	25.00	50.00	100.00	500.00	1,000.00	2.90	.....

[1] Approximate investment yield for entire period from issuance to maturity.

[F. R. Doc. 43-16085; Filed, October 2, 1943; 11:55 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 778]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 24, 1943.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 4009C3 Craighead	$25,000
Idaho 4019B1 Butte	120,000
Louisiana 4012C4 Franklin	35,000
Missouri 4051A2 Nodaway	40,000
Texas 4030E2 Upshur	50,000
Texas 4049B2 Denton	10,000

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 43-16106; Filed, October 2, 1943; 4:38 p. m.]

DEPARTMENT OF COMMERCE.

Administrator of Civil Aeronautics.

[Order No. 17]

AKRON, OHIO, MUNICIPAL AIRPORT

DESIGNATION AS TEST AIRPORT

SEPTEMBER 13, 1943.

It appearing that: (a) Test flights of aircraft designed for military use are being conducted at Akron Municipal Airport, Akron, Ohio; and

(b) It is necessary to conduct such test flights even when weather conditions are less than the prescribed minimums; and

(c) United States Navy Inspector of Naval Aircraft at Akron Municipal Airport, Akron, Ohio has indicated that such testing is required in the conduct of the war:

Now, therefore, the Administrator, acting pursuant to the provisions of Special Civil Air Regulation No. 274, designates Akron Municipal Airport, Akron, Ohio as an airport where test flights of military aircraft, in accordance with the provisions of Special Civil Air Regulation No. 274, may be conducted when weather conditions are less than the prescribed minimums: *Provided*, That all such flight operations are coordinated in advance with the Akron Airport Traffic Control Tower and the Cleveland Airway Traffic Control Center.

J. E. SOMMERS,
Acting Administrator.

[F. R. Doc. 43-16145; Filed, October 4, 1943; 10:48 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[Finding No. WLD-7]

GREAT LAKES GREYHOUND LINES, INC.

FINDING AS TO CONTRACTS IN PROSECUTION OF WAR EFFORT

Whereas, the Great Lakes Greyhound Lines, Inc., Detroit, Michigan is engaged in the transportation by motor vehicle of first-class and special-delivery mail, special handling parcel post and newspapers between Pontiac and Detroit, Michigan pursuant to contract with the United States Post Office Department dated July 1, 1943, and in the transportation of parts for machinery and other articles and commodities for use by war contractors;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. no. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943,

I find that the transportation by motor vehicle of first-class and special-delivery mail, special handling parcel post and newspapers by the Great Lakes Greyhound Lines, Inc., Detroit, Michigan pursuant to its contract with the United States Post Office Department, and the transportation of parts for machinery and other articles and commodities by said company, pursuant to contracts therefor, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 1st day of October 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-16042; Filed, October 1, 1943; 3:09 p. m.]

Wage and Hour Division.

BAKERY, BEVERAGE AND MISCELLANEOUS FOOD INDUSTRIES

MINIMUM WAGE HEARING

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on August 21, 1943, by Administrative Order No. 213, appointed Industry Committee No. 65 for the Bakery, Beverage, and Miscellaneous Food Industries, composed of an equal number of representatives of the public, employers in the Industry and employees in the Industry, such representatives having been appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas, Industry Committee No. 65, on September 14, 1943, recommended a minimum wage rate for the Bakery, Beverage, and Miscellaneous Food Industries and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on September 16, 1943 pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 65 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation:

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 65 is as follows: Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Bakery, Beverage, and Miscellaneous Food Industries (as defined in Administrative Order No. 213) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Bakery, Beverage, and Miscellaneous Food Industries as set forth in Administrative Order No. 213, issued August 21, 1943, is as follows:

The manufacture or packaging of bakery products, beverages, ice, and miscellaneous food products and preparations.

(a) It includes, but without limitation, bread, pastries, crackers, and pretzels; macaroni and other alimentary pastes; alcoholic and nonalcoholic beverages; natural, mineral, and carbonated waters; malt; baking powder, yeast, and other leavening compounds; corn syrup and corn sugar; starch; ice (including the harvesting of natural ice); coffee and tea; spices; ready-to-mix cooked desserts with corn starch, tapioca, or gelatin bases; and potato chips.

(b) Provided, however, that the definition shall not include any product the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee.

III. The full text of the report and recommendation of Industry Committee No. 65 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Mass., Old South Building, 234 Washington Street; New York, N. Y., Parcel Post Building, 341 Ninth Avenue; Newark, N. J., Essex Building, 31 Clinton Street; Syracuse, N. Y., 301 State Tower Building; Philadelphia, Pa., 1216 Widener Building, Chestnut and Juniper Streets; Pittsburgh, Pa., Clark Building, Liberty Avenue and Seventh Street; Richmond, Va., 215 Richmond Trust Building; Baltimore, Md., 401-411 Old Town Building, Gay and Fallsway Streets; Atlanta, Ga., Fifth Floor, Carl Witt Building, 249 Peachtree Street, N. E.; Columbia, S. C., Federal Land Bank Building, Hampton and Marion Streets; Jacksonville, Fla., 456 New Post Office Building; Raleigh, N. C., North Carolina Department of Labor, Salisbury and Edenton Streets; Birmingham, Ala., 1007 Comer Building; New Orleans, La., 916 Richards Building, 837 Gravier Street; Jackson, Miss., 404 Deposit Guaranty Bank Building, 102 Lamar Street; Nashville, Tenn., 509 Medical Arts Building; Cleveland, Ohio, 4034 Main Post Office, West Third and Prospect Avenue; Detroit, Mich., David Stott Building, 1150 Griswold Street; Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Streets; Chicago, Ill., 1200 Merchandise Mart, 222 West North Bank Drive; Minneapolis, Minn., 406 Pence Building, 730 Hennepin Avenue; Kansas City, Mo., 3000 Fidelity Building, 911 Walnut Street; St. Louis, Mo., 316 Old Customs House, 815 Olive Street; Denver, Colo., 300 Chamber of Commerce Building, 1726 Champa Street; Dallas, Tex., Rio Grande National Building, 1100 Main Street; San Francisco, Calif., 500 Humboldt Bank Building, 785 Market Street; Los Angeles, Calif., 417 H. W. Hellman Building, Spring and Fourth Street; Seattle, Wash., 305 Post Office Building, Third Avenue and Union Street; Portland, Oreg., 208 Old United States Court House; San Juan, Puerto Rico, Post Office Box 112; Washington, D. C., Department of Labor, First Floor; New York, N. Y., 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

IV. A public hearing will be held on October 28, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, at 10:00 a. m. in Room 1001, 165 West 46th Street, New York 19, New York, for the purpose of taking evidence on the following questions: Whether the recommendation of Industry Committee No. 65 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 65 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided*, That not later than October 25, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 65.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 65 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Officer of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Bakery, Beverage, and Miscellaneous Food Industries will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing: Report entitled, "Economic Factors Bearing on the Establishment of Minimum Wages in the Bakery, Beverage, and Miscellaneous Food Industries," prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, September 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or Presiding Officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witnesses offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 28th day of September 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-16104; Filed, October 2, 1943; 4:27 p. m.]

[Administrative Order 221]

COMMUNICATION, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES

INDUSTRY COMMITTEE APPOINTMENT

Appointment of Industry Committee No. 69 for the communication, utilities and miscellaneous transportation industries.

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 communication, utilities and miscellaneous transportation industries (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public: Elmer F. Andrews, Chairman, New York, N. Y.; Clarence E. Ayres, Austin, Tex.; Glen E. Carlson, Redlands, Calif.; Frederick W. Carr, Boston, Mass.; Caroline F. Ware, Vienna, Va.

For the employers: John H. Agee, Lincoln, Nebr.; Charles F. Cole, San Francisco, Calif.; Ralph H. Kimball, New York, N. Y.; J. H. Ross, New York, N. Y.; H. Carl Wolf, Atlanta, Ga.

For the employees: Ray A. Dodge, Akron, Ohio; John C. Hemby, Nashville, Tenn.; Richard R. Jenkins, Oakland, Calif.; Joseph P. Selly, New York, N. Y.; 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 "communication, utilities and miscellaneous transportation industries" means: The industry carried on by any wire or radio system of communication or by messenger service; by any concern engaged in the production and distribution of gas, electricity or steam, the distribution of water or the operation of sanitation facilities; and by any concern engaged in such transportation by rail, water, pipe-line, motor vehicle, or other means, as is not covered by the wage orders for the Railroad Carrier, Property Motor Carrier and Passenger Motor Carrier industries, or in related activities, including stevedoring, consolidating, forwarding, and packing, not covered by those orders: *Provided,* That the definition shall not include any activity covered by the definition of any other industry for which the Administrator has issued a wage order or appointed an industry committee.

3. The definition of the communication, utilities and miscellaneous transportation industries covers all occupations which are necessary to the operations of the industry: *Provided, however,* That where an 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 October 22, 1943 in the Victoria Room, Hotel Victoria, 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 28th day of September, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-16103; Filed, October 2, 1943; 4:27 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the dates specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Collette Manufacturing Company of Santurce, Puerto Rico to employ fifty-five learners in the Hairnet Industry distributed among the following operations: Covering elastics, machine knotting, machine clipping, examining, knotting, spooling, warping and knitting. (a) Covering elastics, machine knotting and machine clipping; at 15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter. (b) Examining: at 15¢ an hour for the first 320 hours; 22½¢ an hour for the second 320 hours and 25¢ an hour for every hour thereafter. (c) Knotting: at 15¢ an hour for the first 480 hours; 20¢ an hour for the second 480 hours, and 25¢ an hour for every hour thereafter. (d) Spooling: at 15¢ an hour for the first 480 hours; 22½¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter. (e) Warping: at 15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480 hours; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours; and 25¢ an hour for every hour thereafter. (f) Knitting: at 15¢ an hour for the first 240 hours; 20¢ an hour for the second 240 hours; and 25¢ an hour for every hour thereafter.

For all hours over forty worked in any one workweek, one and one-half times the applicable piece rate established herein, whichever is the higher, shall be paid. This special certificate shall become effective on July 16, 1943, and shall remain in effect for a period not exceeding six months thereafter.

Signed at New York, N. Y., this 2d day of October 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-16189; Filed, October 4, 1943; 11:45 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act 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), and Administrative Order, June 7, 1943 (8 F.R. 7830).

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. 3749) 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. 3629).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3932), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 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. 4202).

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 regulations, 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

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Belin Garment Company, 245 N. Water Street, Milwaukee, Wisconsin; Ladies' cotton dresses and blouses; 6 learners (T); effective September 30, 1943, expiring September 29, 1944.

Creighton Shirt Company, 67 Franklin Street, New Haven, Connecticut; Men's shirts including government khaki; 5 percent (T); effective September 30, 1943, expiring September 29, 1944.

The Enro Shirt Company, 1018 South Preston, Louisville, Kentucky; Men's shirts and pajamas; 10 percent (T); effective October 2, 1943, expiring October 1, 1944.

Hoosick Falls Undergarment Corporation, Hoosick Street, Hoosick Falls, New York; Ladies' rayon knitted underwear, rayon woven slips; 10 percent (T); effective October 13, 1943, expiring October 12, 1944.

Lakeland Manufacturing Company, 14th and Alabama Streets, Sheboygan, Wisconsin; Leather coats, mackinaws, fingertip coats and jackets; 10 percent (T); effective September 30, 1943, expiring September 29, 1944.

Pittston Apparel Company, 103 South Main Street, Pittston, Pennsylvania; Mattress covers, insect bars, ladies' brassieres; 50 learners (E); effective October 4, 1943, expiring April 3, 1944.

Poultney Shirt Company, Incorporated, Beaman Street, Poultney, Vermont; Men's dress shirts; 10 learners (T); effective October 6, 1943, expiring October 5, 1944.

The George W. Prior Company, 1735 Lawrence Street, Denver, Colorado; Boys', girls', ladies' and men's shirts, girls' jeans and ladies' corduroy skirts; 10 learners (T); effective October 5, 1943, expiring October 4, 1944.

Rob Roy Company, Race Street, Cambridge, Maryland; boys' shirts; 10 learners (T); effective October 16, 1943, expiring October 15, 1944.

Shriner Manufacturing Company, Taneytown, Maryland; Men's pajamas; 5 learners (T); effective October 4, 1943, expiring October 3, 1944.

Shriner Manufacturing Company, Union Bridge, Maryland; Men's pajamas; 5 learners (T); effective November 10, 1943, expiring November 9, 1944.

Shriner Manufacturing Company, Woodsboro, Maryland; Men's pants; 10 learners (T); effective November 10, 1943, expiring November 9, 1944.

Rock Hall Manufacturing Company, Rock Hall, Maryland; Shirts for army officers; 10 percent (T); effective October 2, 1943, expiring October 1, 1944.

Robideaux Dress Manufacturing Company, 152 South Lincoln Street, Spokane, Washington; Ladies' cotton and rayon dresses; 10 learners (T); effective October 2, 1943, expiring October 1, 1944.

Stadium Manufacturing Company, Incorporated, 1501 Guilford Avenue, Baltimore, Maryland; Men's cotton pajamas; 10 percent (T); effective October 9, 1943, expiring October 8, 1944.

Trio Sportswear Company, Phillipsburg, Pennsylvania; Sport jackets; 33 learners (E); effective September 30, 1943, expiring March 29, 1944.

Umholtz Manufacturing Company, 115 Gordon Avenue, Carbondale, Pennsylvania; Women's cotton pajamas; 10 learners (T); effective October 13, 1943, expiring October 12, 1944.

Wales Shirt Company, 76 Franklin Street, New Haven, Conn.; Men's dress shirts; 10 learners (T); effective October 9, 1943, expiring October 8, 1944.

GLOVES INDUSTRY

Dinberg Glove Corporation, 215 Gilbert Street, Ogdensburg, New York; Leather dress gloves; 5 learners (A. T.); effective October 4, 1943, expiring May 21, 1944.

Fournier Glove Company, 18-20 Railroad Avenue, Patchogue, New York; Knit fabric

and work gloves; 5 learners (T); effective October 2, 1943, expiring October 1, 1944.

Proper Maid Silk Manufacturing Co., Incorporated, 3 Yoeman Street, Amsterdam, New York; Knit fabric gloves; 15 learners (A. T.); effective October 2, 1943, expiring April 1, 1944.

HOSIERY INDUSTRY

Chestertown Hosiery Mills, Chestertown, Maryland; Full-fashioned hosiery; 5 learners (T); effective October 6, 1943, expiring October 5, 1944.

Hafer Hosiery Mills, Valley Street, Hickory, North Carolina; Seamless hosiery; 10 learners (T); effective October 2, 1943, expiring October 1, 1944.

Nolde and Horst Company of Tennessee, McMinnville, Tennessee; Children's hosiery, men's seamless hose; 25 learners (A. T.); effective October 2, 1943, expiring April 1, 1944.

O K Hosiery Mill, Rear of Orange Street, Selinsgrove, Pennsylvania; Full-fashioned hosiery; 3 learners (T); effective September 29, 1943, expiring September 28, 1944.

Pickett Hosiery Mill, Trade Street, Burlington, North Carolina; Men's half hose, seamless; 5 percent (T); effective October 6, 1943, expiring October 5, 1944.

Radford Knitting Mills, Incorporated, Radford, Virginia; Ladies' full-fashioned hosiery; 5 learners (A. T.); effective October 29, 1943, expiring April 19, 1944.

Renfro Hosiery Mills Company, Mount Airy, North Carolina; Seamless hosiery; 5 percent (T); effective October 2, 1943, expiring October 1, 1944.

The Robbins Knitting Company, Spruce Pine, North Carolina; Seamless hosiery; 5 percent (T); effective September 29, 1943, expiring September 28, 1944.

Roseglen Knitting Mills, 129 S. Harvin Street, Sumter, South Carolina; Seamless hosiery; 5 learners (T); effective October 6, 1943, expiring October 5, 1944.

Summers Hosiery Mills, Incorporated, 620 N. Shaver Street, Salisbury, North Carolina; Seamless hosiery; 5 learners (T); effective October 2, 1943, expiring October 1, 1944.

TEXTILE INDUSTRY

The Clark Thread Company of Georgia, Pelham, Georgia; Cotton sewing thread; 75 learners (E); effective September 29, 1943, expiring March 28, 1944.

Shapiro and Son Curtain Corporation, 659 North 13th Street, Easton, Pennsylvania; Chenille bedspreads; 5 percent (T); effective October 6, 1943, expiring October 5, 1944.

CIGAR INDUSTRY

T. E. Brooks and Company, 31 Pine Street, Red Lion, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours; Stripping for a learning period of 160 hours at 75% of the applicable minimum; effective October 8, 1943, expiring October 7, 1944.

General Cigar Company, Incorporated, 154 West Church Street, Nanticoke, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating and Cigar Packing for a learning period of 320 hours; Stripping Machine Operating and Hand Stripping for a learning period of 160 hours at 75% of the aplicable minimum wage; effective October 1, 1943, expiring August 12, 1944. (This certificate is issued to replace the one previously issued effective August 13, 1943 and expiring August 12, 1944.)

Signed at New York, N. Y., this 2d day of October 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-16190; Filed, October 4, 1943; 11:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5824]

MISSISSIPPI POWER & LIGHT COMPANY

ORDER MODIFYING ORDER AND GRANTING APPLICATION

SEPTEMBER 30, 1943.

Order modifying order of August 2, 1943, and denying in part, and granting in part, application for rehearing.

Upon consideration of Mississippi Power & Light Company's application for rehearing, filed September 1, 1943, as amended September 28, 1943, with respect to the Commission's order of August 2, 1943, in the above-entitled matter; and

It appearing to the Commission that:

(a) Under the provisions of the order of August 2, 1943, Mississippi Power & Light Company is required, *inter alia*, to classify $952,097.69 in Account 100.5, Electric Plant Acquisition Adjustments, and to dispose of such amount over a period of ten years by equal annual charges to Account 537, Miscellaneous Amortization; to classify $12,396,371.24 in Account 107, Electric Plant Adjustments, and to dispose of such amount by charging $301,771.43 to Account 151, Capital Stock Expense, $410,682.44 to Account 140, Unamortized Debt Discount and Expense, $198,412.90 to Account 270, Capital Surplus, and $11,485,504.47 to Account 271, Earned Surplus, with the proviso that all or any part of the latter sum may be charged to a Capital Surplus properly created for such purpose; and to complete and file within four months from the date of service of the order of August 2, 1943, revised reclassification and original cost studies as to the balance of its recorded book cost;

(b) In its application for rehearing Mississippi Power & Light Company concedes the classification of $8,912,170.95 in Account 107, but contends that $4,200,000 may be properly classifiable in Account 100.5 in lieu of the $952,097.69 classified therein in our order of August 2, 1943, as a result of studies it is presently making which will be completed by December 1, 1943;

(c) Mississippi concedes the disposition of $301,771.43, $410,682.44 and $198,412.90 of the foregoing $8,912,170.95, as required by paragraphs (C) (1), (C) (2), and (C) (3) of the Commission's order of August 2, 1943;

(d) Mississippi, as permitted by Paragraph (D) of the order of August 2, 1943, has proposed alternative plans for disposition as to $948,574.62 of the $8,912,170.95, as follows:

To Account 140, Unamortized Debt Discount and Expense, representing debt discount and expense associated with issuance of bonds	[1] $318,844.17
To Account 250, Reserve for Depreciation, representing unrecorded retirements	597,080.45
To Account 271, Earned Surplus, representing discount on notes payable	32,650.00
	948,574.62

(e) Mississippi proposes the disposition of an additional $700,526.00 of the foregoing $8,912,170.95 as follows:

To Account 271, Earned Surplus, unrecorded retirements of other utility plant (railway), $569,201.00, and an aggregate amount of $36,343.25, representing amounts which, prior to December 31, 1942, had in effect been charged to plant account and credited to revenues by electric and water service rendered free of charge to the city of Crystal Springs in accordance with franchise requirements	$605,544.25
To Account 213, Miscellaneous Long Term Debt, representing notes payable in service to Crystal Springs, the face value of which notes was originally charged to plant account	94,981.75
	700,526.00

The Commission finds that:

(1) Mississippi's proposed alternative plans for the disposition of the $948,574.62, as described in paragraph (d) hereof, and the proposed plans for disposition of $700,526.00, as described in paragraph (e) hereof, are in accordance with sound principles of accounting and the Commission's Uniform System of Accounts;

(2) It is appropriate to modify the requirements of paragraph (C) (4) of the order of August 2, 1943, to permit disposition of $948,574.62, as set forth in paragraph (d) above, and to require disposition of $700,526.00, as described in paragraph (e) above;

(3) The assignments of error with respect to the classification and disposition of the balance of $8,912,170.95, namely $6,352,203.56, raise no new questions of fact or of law which were not considered by the Commission prior to its adoption of the order in question;

(4) It is appropriate to afford Mississippi a further opportunity to present material and relevant evidence bearing on the classification and disposition of the $4,200,000.00, referred to in paragraph (b) above, which the company contends may be includible in Account 100.5;

(5) The assignments of error with respect to the completion and preparation of revised reclassification and original cost studies as to the balance, adjusted in accordance with the foregoing, of its recorded book costs ($21,523,075.25) do not raise any new questions of fact or of law which were not considered by the Commission prior to its adoption of the order of August 2, 1943, in ordering new studies with respect to the balance there referred to;

The Commission *Orders*, That:

(A) The application for rehearing of Mississippi Power & Light Company, insofar as it relates to the classification and disposition of the $6,352,203.56 here-

[1] The order of August 2, 1943, required the classification of $410,682.44 in Account 140. There will, therefore, now be $729,526.61 in that account. Of the $729,526.61, Mississippi has already predisposed of $366,789.77 by charges to income or surplus and now proposes to dispose of an additional $67,125.00 thereof by a charge to Account 271, Earned Surplus. These dispositions will leave a balance of $295,611.84 in Account 140 now proposed to be amortized over the remaining life of the bonds.

tofore ordered, be and the same is hereby denied;

(B) Mississippi Power & Light Company dispose of the difference between $8,912,170.95 and $6,352,203.56, i. e., $2,559,967.39, as described in paragraphs (c), (d) and (e), above;

(C) The application for rehearing of Mississippi Power & Light Company insofar as it relates to the classification and disposition of $4,200,000, be and the same is hereby granted, at such time and place as may be fixed by the Commission hereafter;

(D) Not later than December 5, 1943, Mississippi shall submit in writing, under oath, its proposed classification and plan for disposition of the $4,200,000.00;

(E) The application for rehearing, insofar as it relates to the completion and filing of revised reclassification and original cost studies respecting the balance, adjusted as referred to in paragraph (5) above, of its recorded book costs, be and the same is hereby denied;

(F) In submitting its proposals and plans referred to in paragraph (D) hereof, Mississippi shall set forth with particularity the facts upon which it relies in support of its proposed classification and disposition of the amounts involved;

(G) Mississippi shall submit, within ninety days from the date of service of this order, certified copies of the entries classifying $8,912,170.95 in Account 107; and certified copies of the entries disposing of the $8,912,170.95 by charging $301,771.43, $410,682.44 and $198,412.90 in the manner described in paragraphs (C), (1), (2) and (3) of the order of August 2, 1943; by charging $948,574.62 and $700,526.00 as described in paragraphs (d) and (e) of this order; and by charging $6,352,203.56 as described in paragraph (C) (4) of the order of August 2, 1943.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-16165; Filed, October 4, 1943; 11:17 a. m.]

[Docket No. IT-5839]

UTAH POWER & LIGHT COMPANY

ORDER GRANTING IN PART AND DENYING IN PART APPLICATION FOR REHEARING

SEPTEMBER 30, 1943.

Upon consideration of Utah Power & Light Company's application for rehearing filed on September 1, 1943, with respect to certain requirements of the Commission's order of August 2, 1943; and

It appearing to the Commission that:

(a) Paragraph (C) of the Commission's order of August 2, 1943, requires Light Company, *inter alia*, to dispose of a write-up in its plant accounts of $26,434,849.26 by a charge to "Account 271, Earned Surplus, or if created for such purpose, all or any part, to Account 270, Capital Surplus, provided such Capital Surplus is created within six months from the date of service of" said order of August 2, 1943;

(b) Paragraph (A) of the Commission's order of August 2, 1943, requires Utah Power & Light Company to classify $1,026,882.93 representing inter-company profits, in Account 107, Electric Plant Adjustments, and Paragraph (C) requires the Company to dispose of that amount by a charge to Account 271, Earned Surplus;

(c) Utah Power & Light Company has applied for rehearing with respect to the requirements of the Commission's order of August 2, 1943, described in Paragraphs (a) and (b) hereof;

The Commission finds that:

(1) The assignments of error in the Company's application for rehearing, with respect to the disposition of the write-up of $26,434,849.26, do not raise any new questions of fact or of law which have not been previously raised and considered by the Commission prior to its adoption of the order in question;

(2) It is appropriate to afford Utah Power & Light Company a further opportunity to present material and relevant evidence bearing on the classification and disposition of the inter-company profits of $1,026,882.93;

The Commission *Orders*, That:

(A) The application for rehearing of Utah Power & Light Company insofar as it relates to the disposition of the write-up of $26,434,849.26 be and the same is hereby denied;

(B) The application for rehearing of Utah Power & Light Company insofar as it relates to the classification and disposition of $1,026,882.93 be and the same is hereby granted; the time and place of said hearing to be fixed by further order of the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-16164; Filed, October 4, 1943; 11:17 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

CLARENCE DOWNING, ET AL., DETROIT, MICH., FLORISTS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10190), Clarence Downing, John F. Kayl, Freddie Meyer, and Clarke E. Stevenson, all of Detroit, Michigan, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of flowers and related articles by motor vehicle in the metropolitan area of Detroit and the suburbs of Grosse Pointe, Grosse Pointe Park, Grosse Pointe Farms, Grosse Pointe Shores, and Grosse Pointe Woods, Michigan.

The four participants plan to eliminate wasteful operations by pooling deliveries of their merchandise and establishing a non-profit corporation to acquire motor vehicle equipment and perform delivery service for them at cost. Delivery routes will be devised in such way as to effect the greatest possible saving of mileage without favoring any participant. One vehicle will be used for making deliveries, and a designated participant will furnish a stand-by vehicle for use for peak loads and emergencies. The operation of three vehicles will be discontinued. The participants anticipate that effectuation of the plan will result in substantial mileage reduction.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 25th day of September 1943.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

[F. R. Doc. 43-16182; Filed, October 4, 1943; 11:09 a. m.]

CITY ICE CO., ET AL., PORTLAND, OREG.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), City Ice Company, Liberty Fuel & Ice Co., The Koldkist Ice Co., Montavilla Ice & Coal Co., Davidson's Independent Ice Co., and Ice Delivery Company, all of Portland, Oregon, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of ice in Portland.

The participants in the plan propose to eliminate wasteful operations in the retail delivery of ice by reducing the frequency of deliveries and suspending duplicate and parallel services. Special deliveries and call-backs are to be discontinued; five participants will suspend Sunday deliveries; and all participants will reduce deliveries on particular routes to an every-other-day basis so far as is practicable. Certain outlying areas where the demand for ice does not necessitate the operation of more than one truck will be served by only one of the participants. Competition in more thickly populated areas and in downtown Portland will not be restricted by the plan. The participants estimate that effectuation of the plan will result in reductions of from 25 to 40 percent in truck-miles operated.

It appearing that the proposed joint action plan is in conformity with General

Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 27th day of September 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-16177; Filed, October 4, 1943; 11:05 a. m.]

LEXINGTON, KY., RETAIL MERCHANTS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10199), H. C. Davis and 17 others named in Appendix 1 hereof, all of Lexington, Kentucky, have filed with the Office of Defense Transportation for approval a joint action plan relating to transportation and retail delivery of merchandise by motor vehicle in Lexington.

Participating in the plan are 17 retail merchants and a for-hire carrier which performs delivery service for 12 of the participating merchants. The metropolitan area of Lexington is divided into two zones, in each of which deliveries will be made on three specified days in each week. Not more than three deliveries a week will be made to any customer. The 5 participants who do not utilize the service of the for-hire carrier reserve the right to make fewer deliveries; one of such participants will make city-wide deliveries on only one day in each week and another only on two days in each week. By means of a "Carry Your Package" campaign, customers will be urged to carry all small packages. No package weighing or measuring less than specified minimum requirements will be delivered, nor will such packages be called for or picked up for exchange or credit except to correct errors of the participants. No merchandise will be delivered on approval. No special deliveries will be made except, in case of emergency, to hospitals, sanitariums, funerals, or in connection with serious illnesses. Packages, or a combination of packages for the same person, exceeding the minimum size requirements may be delivered, and may be picked up for exchange or credit when a regular delivery is being made at the same residence. Packages may be delivered, irrespective of size or weight, if the merchandise is to be altered or is not available at the time of purchase, or when the merchandise is a bona fide gift valued at $1 or more to be delivered to an address other than that of the purchaser; but certain designated classes of merchandise will not be delivered unless the package, or a combination of packages, exceeds the minimum size requirements. Deliveries by horse-drawn vehicle, bicycle, common carrier, or on foot are not restricted.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 367), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 27th day of September 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. H. C. Davis.
2. Embry & Company, Inc.
3. Graves-Cox Company.
4. Kaufman Clothing Company.
5. Lowenthal's Inc.
6. The Mitchell Baker Smith Co., Inc.
7. Meyers.
8. Meyer & Hinkle.
9. Montgomery Ward & Company.
10. Perkins Incorporated.
11. The Purcell Company.
12. Sears Roebuck & Company.
13. B. B. Smith & Company.
14. Ben Snyder, Inc.
15. R. S. Thorpe & Sons.
16. Tots & Teens Inc.
17. Wolf-Wile Company.
18. Red Arrow Parcel Delivery.

[F. R. Doc. 43-16174; Filed, October 4, 1943; 11:07 a. m.]

ABILENE, KANS., GROCERS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10190), Broadway Market and 6 other retail grocers of Abilene, Kansas, named in Appendix 1 hereof, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of groceries by motor vehicle in Abilene.

The participants plan to deliver food products only on Tuesday and Friday in each week, and anticipate that adoption of the plan, involving 7 vehicles, will result in a substantial saving of mileage and gasoline.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 27th day of September 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. Albert Benignus, doing business as Broadway Market.
2. R. H. Viola, doing business as R. H. Viola & Sons.
3. W. C. Flanagan, doing business as Flanagan Market.
4. Orville Edwards, doing business as Kansas Cash Store.
5. Louis Zey, doing business as Louies Market.
6. Theo Nusz, doing business as Theo. Nusz Store.
7. Ivan Whitworth, doing business as Whitworth Fruit.

[F. R. Doc. 43-16175; Filed, October 4, 1943; 11:08 a. m.]

ESQUIRE FLOWERS, ET AL., DETROIT, MICH., FLORISTS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10190), Esquire Flowers, Flower Box, Haley's Flowers, and Studio Flowers, all of Detroit, Michigan, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of flowers and related articles by motor vehicle in Detroit and the suburbs of Royal Oak and Ferndale.

The four participants plan to eliminate wasteful operations by pooling deliveries of their merchandise. Each participant owns a motor vehicle and will use it every fourth week for a full week to make deliveries for all of the participants. A second truck will be designated for stand-by service in the event the regularly scheduled truck is loaded to capacity on any day. The delivering participant will be paid by the other participants for each delivery. It is estimated that effectuation of the plan will result in a 60% reduction in the use of gasoline and motor vehicles.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish sub-

stantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 27th day of September 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-16176; Filed October 4, 1943; 11:08 a. m.]

RETAIL COAL DEALERS, LA CROSSE, WIS.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10190), and in order to promote efficient use of railroad equipment, Anderegg Coal Company and 17 other retail coal dealers of La Crosse, Wisconsin, named in Appendix 1 hereof, have filed with the Office of Defense Transportation for approval a joint action plan relating to release of railroad cars and to transportation and delivery of coal by motor vehicle in La Crosse, Wisconsin.

The participants plan to make deliveries in the sequence in which orders are received, and to schedule deliveries in such way as to use minimum mileage and utilize as fully as possible the weight or volume capacity of the delivering vehicle. Single deliveries of less than 2,000 pounds, net scale weight, will not be made: *Provided,* That any person who is unable to purchase at least that quantity at one time will not be precluded from obtaining adequate supplies of coal. Deliveries for emergency purposes will be made as permitted by general orders of the Office of Defense Transportation; permission to make deliveries for emergency purposes not specified in such general orders will be sought only where prudent judgment would not have avoided the need therefor. The participants will effect prompt release of railroad equipment and will report to the railroad the actual or estimated time of release thereof. Where such release cannot be accomplished within 24 hours after the railroad car is placed for unloading, notice thereof will be given to the chairman of the Vigilance Committee on Car Efficiency.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, and will promote efficient utilization of motor trucks and vital materials and supplies, and will promote efficient use of railroad equipment, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 30th day of September 1943.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

APPENDIX 1

1. Anderegg Coal Company.
2. Badger Lumber & Coal Company.
3. Cargill Fuel & Equipment Company.
4. Gateway Lumber Company.
5. Lieder Lumber Company.
6. Manson Coal Company.
7. Peoples Ice & Fuel Company.
8. Peterson Coal Company.
9. Quality Coal Company.
10. Seeman Lumber & Coal Company.
11. Sorenson Coal Company.
12. Taylor Lumber Company.
13. Tenneson Fuel Company.
14. Terpstra Ice & Fuel Company.
15. Scott-Burgess Coal Company.
16. Whitebreast Coal Company.
17. Wilkinson Coal Company.
18. Yerly Coal Company.

[F. R. Doc. 43-16178; Filed, October 4, 1943; 11:05 a. m.]

GULF COAST INTRA-COASTAL TUGBOAT OPERATORS

RECOMMENDATION OF JOINT ACTION PLAN

At the request of the Office of Defense Transportation, Gulf Coast intra-coastal tugboat operators have formulated a joint action plan covering the operation of Government-owned tugboats and bulk oil cargo barges on Gulf Coast inland waterways. The names of the present participants in the plan are set forth on Exhibit A hereto attached;[1] each of the tugboat operators named has executed a written agreement of the form and tenor of the specimen copy attached hereto and designated as Exhibit B.[1] The tugboats and barges are being constructed for account of the Defense Plant Corporation. Some have been completed and are ready to be placed in operation and others are nearing completion. It is contemplated that the Inland Waterways Corporation, as chartering agent for the Defense Plant Corporation, will charter said tugboats and barges, under uniform charter party, to private operators designated by the Office of Defense Transportation, and that said tugboats and barges will be used by said operators in the transportation of petroleum products, in bulk, on Gulf Coast inland waterways. A specimen copy of the proposed charter party agreement is attached hereto and marked Exhibit C.[1]

Initially such petroleum products are to be transported for account of the Navy Department at a uniform rate and under separate uniform contracts of affreightment to be entered into between the Navy Department and each carrier, party to the joint action plan. It is contemplated that the carriers will later transport commercial petroleum products, in bulk, under uniform contracts of affreightment containing substantialy the same provisions as those set forth in the proposed Navy Department contract of affreightment (except provisions as to liability), a specimen copy of which contract is hereto atached and marked Exhibit D.[1]

Under the provisions of the joint action plan the parties agree to operate the vessels as directed by the Office of Defense Transportation, upon the terms and under the conditions stated in the charter party, the Navy Department contract of affreightment, and any contract of affreightment as described above.

The Office of Defense Transportation considers that the effectuation of the proposed joint action plan will accomplish substantial conservation and efficient utilization of transportation equipment and services, the attainment of which purposes is essential to the successful prosecution of the war. I have approved the plan and recommend that the Chairman of the War Production Board, after consultation with the Attorney General, find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 25th day of September 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-16181; Filed, October 4, 1943; 11:10 a. m.]

[Supplementary Order ODT 3, Revised—67]

WILSON STORAGE AND TRANSFER CO. AND TRI-STATE TRANSPORTATION CO.

COORDINATED OPERATIONS BETWEEN POINTS IN IOWA AND SOUTH DAKOTA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Wilson Storage and Transfer Co., and Harry E. Reynolds and Norman Nold, doing business as Tri-State Transportation Co., all of Sioux Falls, South Dakota, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[2] a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the suc-

[1] Filed as part of the original document.

[2] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660.

cessful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall 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 of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply 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. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-67," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This Order shall become effective September 29, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 25th day of September 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-16180; Filed, October 4, 1943; 11:10 a. m.]

[Supplementary Order ODT 3, Revised-68]

PACIFIC MOTOR TRUCKING COMPANY, ET AL.

COORDINATED OPERATIONS BETWEEN POINTS IN CALIFORNIA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Pacific Motor Trucking Company, a corporation, of San Francisco, California, J. Hills Wythe, William G. Wahl and R. E. Hoerler, a copartnership, doing business as Security Truck Line, of San Jose, California, and Southern Pacific Company, a corporation, of San Francisco, California, to facilitate compliance with General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property between points in California, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, 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:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall 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 of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict, with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply 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. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-69" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 5, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of September 1943.

C. D. YOUNG,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 43-16179; Filed, October 4, 1943; 11:25 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on September 30, 1943.

REGION II

Altoona Order 6, Filed 4:09 p. m.
Altoona Order 7, Filed 4:09 p. m.

REGION IV

Savannah Order 1-F, Amendment No. 1, Filed 4:11 p. m.
Savannah Order 7, Filed 4:11 p. m.
Savannah Order 12, Amendment No. 1, Filed 4:11 p. m.
Jackson Order 5, Amendment No. 1, Filed 4:09 p. m.
Richmond Order 6, Filed 4:10 p. m.

REGION V

Shreveport Order 7, Filed 4:12 p. m.
Shreveport Order 8, Filed 4:10 p. m.
Lubbock Order 8, Filed 4:10 p. m.
Dallas Order 6, Amendment No. 1, Filed 4:13 p. m.
Dallas Order 7, Amendment No. 1, Filed 4:12 p. m.
Dallas Order 8, Filed 4:13 p. m.
Dallas Order 9, Filed 4:13 p. m.
Wichita Order G-10, Filed 4:12 p. m.

REGION VI

Omaha Order 4A, Filed 4:15 p. m.
Peoria Order 7, Filed 4:13 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16046; Filed, October 1, 1943; 4:46 p. m.]

[Region II Order G-1 Under MPR 329]

FLUID MILK IN PENNSYLVANIA

Order No. G-1 under § 1351.408 (d) of Maximum Price Regulation No. 329, as amended (formerly Order No. 1).

It is the judgment of the Regional Administrator that the maximum prices at which purchasers in the course of trade or business may purchase or receive fluid milk from producers in certain areas in the Commonwealth of Pennsylvania, as established under Maximum Price Regulation No. 329, as amended, should be adjusted to keep prices in the localities affected in appropriate relationship to one another and in appropriate relationship to the prices in other localities. Any increase authorized hereunder will not necessitate, under the provisions of the Emergency Price Control Act of 1942, as amended, any increase in the maximum prices for fluid milk sold at wholesale or retail.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1351.408 (c) and (d) of Maximum Price Regulation No. 329, as amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

(a) The maximum price at which a purchaser in the course of trade or business may purchase or receive from a producer Class I fluid milk having a 3.5% butterfat content, shall be either (1) the applicable adjusted maximum price set forth in the following Schedule for the Milk Marketing area, or zone within such area, in which such purchaser sells such milk, or (2) the maximum price established under Maximum Price Regulation No. 329, as amended—whichever is higher. Where such purchaser purchases or receives Class I fluid milk having a butterfat content in excess of 3.5%, he may add to the applicable adjusted maximum price set forth in the schedule the sum of $0.05 for each one-tenth of 1% of butterfat content in excess of 3.5%.

SCHEDULE—MAXIMUM PRICE PER CWT.[1]

MILK MARKETING AREA

Butterfat Content	9	10		11	13	14	15
		Zone 1	Zone 2				
3.5%	$3.45	$3.25	$3.20	$3.25	$3.45	$3.45	$3.45

[1] All prices are f.o.b. processing plant

(b) The maximum price at which a purchaser in the course of trade or business may purchase or receive Grade A Class I fluid milk from a producer shall be either (1) the applicable adjusted maximum price set forth in paragraph (a) hereof for Class I fluid milk having the same butterfat content plus a premium of $.25 per cwt., if such producer's Grade A Class I fluid milk shows an average monthly bacteriological count of 10,000 bacteria of less per cc., or premium of $.15 per cwt., if such average monthly bacteriological count is more than 10,000 but less than 50,000 bacteria per cc., or shall be (2) the maximum price established under Maximum Price Regulation No. 329, as amended, whichever is higher.

(c) The maximum price at which a purchaser in the course of trade or business may purchase or receive Jersey, Guernsey, Holstein or Ayrshire fluid milk from a producer of such type of milk, shall be either (1) the applicable adjusted maximum price set forth in paragraph (a) hereof for Class I fluid milk having the same butterfat content, plus an amount equal to the differential existing in the appropriate milk marketing area or zone of such area in which such purchaser sells such Jersey, Guernsey, Holstein or Ayrshire fluid milk, between the highest price which such purchaser paid to such producer during the period February 1, 1943 to February 13, 1943 for such type of Class I fluid milk, and any other type of Class I fluid milk (other than Grade A) having the same butterfat content.

(d) This order shall apply to all purchases of Class I fluid milk from producers subsequent to February 12, 1943, where such fluid milk is sold by the purchaser in any of the above designated Milk Marketing areas.

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(f) *Definitions.* When used in this order the term:

(1) "Milk Marketing Area No. 9" means the Johnstown-Altoona Milk Marketing Area described in Official General Order No. A-117, dated January 3, 1943, and issued by the Commonwealth of Pennsylvania Milk Control Commission.

(2) "Milk Marketing Area No. 10" means the Central Milk Marketing Area described in Official General Order No. A-118, dated January 5, 1943, and issued by the Commonwealth of Pennsylvania Milk Control Commission.

(3) "Milk Marketing Area No. 11" means the State-wide Milk Marketing Area which includes all the territory in the Commonwealth of Pennsylvania except the territories defined above as the Johnstown-Altoona Central Milk Marketing Area, and the areas hereinafter defined as the Williamsport-Sayre-Athens, Lancaster, Reading-Berks, and those territories described as:

The Pittsburgh Milk Marketing Area defined in Official General Order No. A-113 dated December 14, 1942;
The Southwestern Milk Marketing Area defined in Official General Order No. A-114 dated December 22, 1942;
The Erie Milk Marketing Area defined in Official General Order No. A-112 dated December 14, 1942;
The Northwestern Milk Marketing Area defined in Official General Order No. A-115 dated December 22, 1942;
The Scranton-Wilkes-Barre Milk Marketing Area defined in Official General Order No. A-111 dated December 14, 1942;
The Suburban Philadelphia Milk Marketing Area defined in Official General Order No. A-79 dated November 18, 1941;
The Schuylkill Milk Marketing Area defined in Official General Order No. A-130 dated February 19, 1943;
The Harrisburg Milk Marketing Area defined in Official General Order No. A-132 dated February 19, 1943;
The York Milk Marketing Area defined in Official General Order No. A-131 dated February 19, 1943;
The Lehigh Milk Marketing Area defined in Official General Order No. A-116 dated February 19, 1943,—all of such Official General Orders having been issued by the Commonwealth of Pennsylvania Milk Control Commission.

(4) "Milk Marketing Area No. 13" means the Williamsport-Sayre-Athens Milk Marketing Area described in Official General Order No. A-121, dated January 7, 1943, and issued by the Commonwealth of Pennsylvania Milk Control Commission.

(5) "Milk-Marketing Area No. 14" means the Lancaster Milk Marketing Area described in Official General Order No. A-120, dated January 6, 1943, and issued by the Commonwealth of Pennsylvania Milk Control Commission.

(6) "Milk Marketing Area No. 15" means the Reading-Berks Milk Marketing Area described in Official General Order No. A-122, dated January 6, 1943, and issued by the Commonwealth of Pennsylvania Milk Control Commission.

(7) "Class 1 fluid milk" means cow's milk in a raw unprocessed state produced and sold for human consumption in liquid form.

(8) "Guernsey milk" means Class I fluid milk produced from pure-bred Guernsey cows.

(9) "Jersey milk" means Class I fluid milk produced from pure-bred Jersey cows.

(10) "Holstein milk" means Class I fluid milk produced from pure-bred Holstein cows.

(11) "Ayreshire milk" means Class I fluid milk produced from pure-bred Ayreshire cows.

(12) "Grade A milk" shall have the meanings prescribed for such type of milk by the appropriate statute, order or regulation of the Commonwealth of Pennsylvania unless such definition is superseded by statute, order or regulation of that political sub-division of the Commonwealth of Pennsylvania within which such type of milk is produced, sold or delivered.

(13) "Average bacterial count" shall have the meaning ascribed thereto in Official General Order No. A-7, issued May 24, 1937, by the Commonwealth of Pennsylvania Milk Control Commission, and shall be determined in accordance with the provisions of such order.

(14) "F. o. b. processing plant" means delivered at or to a processing plant designated by the purchaser located nearest the producer's farm.

(15) Unless the context manifestly otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and Maximum Price Regulation No. 329, as amended, issued by the Office of Price Administration, shall apply to other terms herein.

(g) This Order No. G-1 shall become effective on March 13, 1943, and shall, unless earlier revoked or replaced, expire simultaneously with the expiration of Maximum Price Regulation No. 329, as amended.

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

Issued this 13th day of March 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F R. Doc. 43-16057; Filed, October 1, 1943; 4:57 p. m.]

[Region II Order G-1 Under MPR 329, Correction]

FLUID MILK IN PENNSYLVANIA

Correction to Order No. G-1 under § 1351.408 (d) of Maximum Price Regulation No. 329, as amended.

Paragraph (c) of Order No. G-1 is corrected to read as follows:

(c) The maximum price at which a purchaser in the course of trade or business may purchase or receive Jersey, Guernsey, Holstein or Ayreshire fluid milk from a producer of such type of milk, shall be either (1) the applicable adjusted maximum price set forth in paragraph (a) hereof for Class I fluid milk having the same butterfat content, plus an amount equal to the differential existing in the appropriate milk marketing area or zone of such area in which such purchaser sells such Jersey, Guernsey, Holstein or Ayreshire fluid milk, between the highest price which such purchaser paid to such producer during the period February 1, 1943 to February 13, 1943 for such type of Class I fluid milk, and any other type of Class I fluid milk (other than Grade A) having the same butterfat content, or (2) the maximum price established under Maximum Price Regulation No. 329, as amended, whichever is higher.

This correction to Order No. G-1 shall be effective as of March 13, 1943.

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

Issued: March 30, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16049; Filed, October 1, 1943; 4:53 p. m.]

[Region II Order G-4 Under Rev. MPR 122]

SOLID FUELS IN THE BALTIMORE, MD., METROPOLITAN AREA

Order No. G-4 under Revised Maximum Price Regulation No. 122; (formerly Order No. 3).

It is the judgment of the Regional Administrator that there exists or threatens to exist in that portion of the State of Maryland, referred to herein as the Baltimore Metropolitan Area, a shortage in the supply of certain solid fuels which are essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers in the Baltimore Metropolitan Area for such solid fuels; and that such adjustment will not create or tend to create a shortage, or a need for increase in price, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

(a) On and after March 5, 1943, the maximum prices of wholesale dealers, intermediate dealers, retail dealers and of other retail sellers for the sale and delivery at wholesale and at retail in the Baltimore Metropolitan Area of nut size coal of the type set forth in the following schedule, in 19 lb. bags, shall be the applicable adjusted maximum prices specified therein.

ADJUSTED MAXIMUM PRICE PER BAG

Type of coal	Delivered at wholesale dealer's yard	Delivered at retail store	Delivered to ultimate consumer
Pennsylvania anthracite	$0.13	$0.15	$0.17
Virginia anthracite	.113	.14	.16
Bituminous	.095	.12	.14

(b) The foregoing adjusted maximum prices include the amount of the railroad freight rate increase incurred by dealers in the Baltimore Metropolitan Area as a result of the Interstate Commerce Commission's order in its Docket Ex Parte 148, effective March 18, 1942, and the amount authorized by § 1340.265 of Revised Maximum Price Regulation No. 122 for taxes. Such railroad freight rate increase and such taxes may not be added to the adjusted maximum prices, notwithstanding the provisions of § 1340.257 and § 1340.265 of the regulation.

(c) Each wholesale and retail seller, in the Baltimore Metropolitan Area may add to the adjusted maximum prices prescribed herein any increase in his supplier's maximum price to him for such fuel over such supplier's present maximum price to him therefor.

(d) The adjusted maximum prices prescribed herein shall not apply to sales and deliveries by wholesale or retail sellers in the Baltimore Metropolitan Area to persons outside of that area.

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(f) All terms used and not specifically defined herein shall have the meanings ascribed to them in Maximum Price Regulation No. 122 unless the context otherwise requires.

(g) *Definitions.* When used in this order:

(1) "Wholesale seller" shall include "wholesale dealer" and "intermediate dealer".

(2) "Wholesale dealer" means a coal dealer who purchases coal in bulk, bags it in paper bags containing 19 lbs. of coal each, and offers such bagged coal for resale at his yard, or delivered to retail store for resale, or who sells direct to the ultimate consumer from his truck.

(3) "Intermediate dealer" refers to a coal dealer who purchases bagged coal at the wholesaler's yard and distributes it by truck or other vehicle to retail stores for resale, or who sells direct to the ultimate consumer, or both.

(4) "Sale at retail" shall refer to any sale to the ultimate consumer.

(5) "Retail store" refers to any outlet that purchases bagged coal from a wholesale dealer or other dealer for resale to the ultimate consumer.

(6) "Truck" includes a wagon or other vehicle used for the distribution of bagged coal which is the subject of this Order.

(7) "Delivered at wholesale dealer's yard" means delivery of bagged coal to the purchaser, including loading on purchaser's truck.

(8) "Delivered at retail stores" means deposit of bagged coal in that part of the store designated by the purchaser.

(9) "Delivered to ultimate consumer" means delivery at the place designated by the consumer.

(10) "Baltimore Metropolitan Area" includes the area enclosed by a circle whose radius is 12 miles by direct air route and whose center is the center of the Baltimore City Hall Building. This includes the communities of Ellicott City, Towson, Sparrows Point, Dundalk, Curtis Bay, Lansdowne, Riviera Beach, Catonsville and Middle River.

(11) "Pennsylvania Anthracite" means coal produced in the Lehigh, Schuykill and Wyoming regions in the State of Pennsylvania.

(12) "Virginia Anthracite" means anthracite coal other than that produced in the State of Pennsylvania, i. e. anthracite coal subject to Maximum Price Regulation No. 121.

(13) "Bituminous Coal" means bituminous coal as defined in Maximum Price Regulation No. 120.

(14) The size of bituminous coal and of Pennsylvania and Virginia Anthracite coal described as "nut" shall refer to the same size of the same type of coal as was sold by wholesale and retail sellers in the Baltimore Metropolitan Area with such designation during December, 1941.

Issued: March 3, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16059; Filed, October 1, 1943; 4:58 p. m.]

[Region II Order G-4 Under Rev. MPR 122, Amdt. 1]

SOLID FUELS IN THE BALTIMORE, MD., METROPOLITAN AREA

Amendment No. 1 to Order No. G-4 (formerly designated Order No. 3) under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and paragraph (e) of Order No. G-4 (formerly designated Order No. 3 under § 1340.259 (a) (1) of Maximum Price Regulation No. 122), and for the reasons set forth in an opinion issued simultaneously herewith. Order No. G-4 is amended in the following respects:

(a) Paragraph (b) is amended to read as follows:

(b) The foregoing adjusted maximum prices include the amount authorized by § 1340.265 of Revised Maximum Price Regulation No. 122 for taxes, and such taxes may not be added to the adjusted maximum prices, notwithstanding the provisions of § 1340.265 of the regulation.

This amendment to Order No. G-4 shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16058; Filed, October 1, 1943; 4:58 p. m.]

[Region II Order G-5 Under Rev. MPR 122]

SOLID FUEL IN THE EARLVILLE AREA, N. Y.

Order No. G-5 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 (formerly Order No. 4).

It is the judgment of the Regional Administrator that there exists or threatens to exist in that portion of the State of New York referred to herein as the Earlville Area a shortage in the supply of certain solid fuels which are essential to a standard of living consistent with prosecution of the war; that such local shortages will be substantially reduced or eliminated by adjusting the maximum prices of sellers in the Earlville Area for such solid fuel; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion attached hereto, *It is ordered*, That:

(a) On and after March 10, 1943, the maximum prices for sale and delivery at retail, in the Earlville Area of anthracite coal of the sizes set forth in the following schedule shall be the applicable adjusted maximum prices specified therein:

ADJUSTED MAXIMUM PRICE PER NET TON

Size:	*Delivered to purchaser*
Egg, stove, nut	$12.70
Pea	11.10
Buckwheat	9.15

(b) The foregoing adjusted maximum prices include the amount authorized by § 1340.265 of Revised Maximum Price Regulation No. 122 for taxes. Such taxes may not be added to the adjusted maximum prices, notwithstanding the provisions of § 1340.265 of the regulation.

(c) Each retail seller in the Earlville Area may add to the adjusted maximum prices prescribed herein any increases in his supplier's maximum price to him for such fuel over such supplier's present maximum price to him therefor.

(d) The adjusted maximum prices prescribed herein shall not apply to sales and deliveries by retail sellers in the Earlville Area to persons outside the Earlville Area.

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(f) All terms used and not specifically defined herein shall have the meanings ascribed to them in Maximum Price Regulation No. 122 unless the context otherwise requires.

(g) *Definitions.* When used in this order:

(1) "Sale and delivery at retail" shall mean sale and delivery to the consumer.

(2) "Delivered to purchaser" means deposit of coal in that part of the purchaser's premises designated by the purchaser or at such other place in the Earlville Area as the purchaser may designate.

(3) "Earlville Area" includes the Incorporated Village of Earlville situated in part in Chenango County, Town of Shelburne, and in part in Madison County, Town of Hamilton, in the State of New York, and all points within five miles of the corporate limits of the Village of Earlville.

(4) The sizes of anthracite coal described as egg, stove, nut, pea and buckwheat respectively shall refer to the same sizes of anthracite coal as was sold under such designations during December, 1941.

Issued: March 9, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16050; Filed, October 1, 1943; 4:53 p. m.]

[Region II Order G-6 Under Rev. MPR 122]

SOLID FUEL IN THE SENNETT AREA, N. Y.

Order No. G-6 under Revised Maximum Price Regulation No. 122 (formerly Order No. 5).

It is the judgment of the Regional Administrator that there exists or threatens to exist in that portion of the State of New York referred to herein as the "Sennett Area" a shortage in the supply of certain solid fuels which are essential to a standard of living consistent with prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the Maximum prices of sellers in the Sennett Area for such solid fuel; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

(a) On and after March 15, 1943, the maximum prices for sale and delivery at retail, in the Sennett Area, of anthracite coal of the sizes set forth in the following schedule shall be the applicable adjusted maximum prices specified therein:

ADJUSTED MAXIMUM PRICE PER NET TON

Size:	*Delivered to purchaser*
Egg, stove, nut	$12.60
Pea	10.55
Buckwheat	9.00

(b) The foregoing adjusted maximum prices include the amount of the railroad freight rate increase incurred by dealers in the Sennett Area as a result of the Interstate Commerce Commission's order in its Docket Ex Parte 148, effective March 18, 1942, and the amount authorized by § 1340.265 of Revised Maximum Price Regulation No. 122 for taxes. Such railroad freight rate increase and such taxes may not be added to the adjusted maximum prices, notwithstanding the provisions of § 1340.257 and § 1340.265 of the regulation.

(c) Each retail seller in the Sennett Area may add to the adjusted maximum prices prescribed herein any increase in his supplier's maximum price to him for

such fuel over such supplier's present maximum price to him therefor.

(d) The adjusted maximum prices prescribed herein shall not apply to sales and deliveries by retail sellers in the Sennett Area to persons outside the Sennett Area.

(e) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(f) All terms used and not specifically defined therein shall have the meanings ascribed to them in Maximum Price Regulation No. 122 unless the context otherwise requires.

(g) *Definitions.* When used in this order:

(1) "Sale and delivery at retail" shall mean sale and delivery to the consumer.

(2) "Delivered to purchaser" means deposit of coal in that part of the purchaser's premises designated by the purchaser or to such other place in the Sennett Area as the purchaser may designate.

(3) "Sennett Area" shall include the Village of Sennett, in the Town of Sennett, Cayuga County, and any point within three miles outside the village limits of the Village of Sennett.

(4) The sizes of anthracite coal described as egg, stove, nut, pea and buckwheat respectively shall refer to the same sizes of anthracite coal as was sold under such designations during December, 1941.

Issued: March 13, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16060; Filed, October 1, 1943; 4:59 p. m.]

[Region II Order G-6 Under Rev. MPR 122, Amdt. 1]

SOLID FUEL IN THE SENNETT, N. Y., AREA

Amendment No. 1 to Order No. G-6 (formerly designated Order No. 5) under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and paragraph (e) of Order No. G-6 (formerly designated Order No. 5 under § 1340.259 (a) (1) of Maximum Price Regulation No. 122), and for the reasons set forth in an opinion issued simultaneously herewith, Order No. G-6 is amended in the following respects:

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

(a) On and after June 1, 1943, the maximum prices for sale and delivery at retail, in the Sennett Area, of anthracite coal of the sizes set forth in the following schedule shall be the applicable adjusted maximum prices specified therein:

ADJUSTED MAXIMUM PRICE PER NET TON

Size:	*Delivered to purchaser*
Egg, stove, nut	$12.55
Pea	10.50
Buckwheat	8.95

(b) Paragraph (b) is amended to read as follows:

(b) The foregoing adjusted maximum prices include the amount authorized by § 1340.265 of Revised Maximum Price Regulation No. 122 for taxes, and such taxes may not be added to the adjusted maximum prices, notwithstanding the provisions of § 1340.265 of the regulation.

This amendment to Order No. G-6 shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F R. Doc. 43-16061; Filed, October 1, 1943; 4:59 p. m.]

[Region II Order G-11 Under 18 (c) of GMPR]

FLUID MILK IN SYRACUSE-ALBANY AREA, N. Y.

Order No. G-11 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 12). File No. 11-1499.18 (c)-14.

It is the judgment of the Regional Administrator that there exists, or threatens to exist, in certain portions of that part of the State of New York which is referred to herein as the Syracuse-Albany Territory, a shortage in the supply of a commodity which is essential to a standard of living consistent with the prosecution of the war; that such shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers for such commodity within such portions of the Syracuse-Albany Territory; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, *It is ordered,* That:

(a) On and after January 30, 1943, the maximum price for the sale and delivery in glass or paper containers of Grade A Pasteurized fluid milk at wholesale into store, at retail out of store and at retail to the home in any of those areas of the Syracuse-Albany Territory set forth in the following schedule, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified for the appropriate area, whichever is higher.

Area	Type of delivery	Container size	Adjusted maximum price per container (in cents)
Area No. I	Into store	Quart	13
		Pint	7½
		Half-pint	4½
	Out of store and to the home.	Quart	15
		Pint	8½
		Half-pint	6½
Area No. II	Into store	Quart	12
		Pint	7
		Half-pint	4
	Out of store and to the home.	Quart	14
		Pint	8
		Half-pint	5
Area No. III	Into store	Quart	11½
		Pint	7
		Half-pint	4
	Out of store and to the home.	Quart	13½
		Pint	8
		Half-pint	5
Area No. IV	Into store	Quart	11½
		Pint	6½
		Half-pint	4
	Out of store and to the home.	Quart	13
		Pint	7½
		Half-pint	5

(b) For each type of fluid milk other than Grade A Pasteurized, the maximum price of any seller for the sale and delivery of such type of milk, in any of the areas of the Syracuse-Albany Territory set forth above, shall be increased by an amount equal to the increase of maximum prices accruing to such seller from the adjusted maximum prices of Grade A Pasteurized milk prescribed herein, for the same type of sale and delivery to the same type and size of container. No person who has not received an adjusted maximum price for Grade A Pasteurized milk as a result of this order (either because he does not sell Grade A Pasteurized milk, or because his maximum price therefor under the General Maximum Price Regulation is higher than the adjusted maximum price herein) may make an adjustment of his maximum prices for any other type of milk. (For example, if, as a result of this order, seller A's maximum prices for the sale and delivery in Area No. I of Grade A Pasteurized milk into store and to the home in quart glass containers, have been increased from 12¢ to 13¢ for delivery into store, and from 13¢ to 15¢ for delivery to the home, he may increase his maximum price for the sale of flavored milk in glass containers by an amount not in excess of 1¢ per quart for sales and deliveries into store and 2¢ per quart for sales and deliveries to the home. If seller B in Area No. III does not sell Grade A Pasteurized milk, he may not increase his maximum price for the sale of another type of milk, such as flavored milk.)

(c) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued here-

after, or by supplement or may be contrary hereto.

(d) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 15½¢ for one unit shall be adjusted to 16¢ for one unit, 31¢ for two units, 47¢ for three units, etc.; a maximum price of 14½¢ for one unit shall be adjusted to 14¢ for one unit, 29¢ for two units, 43¢ for three units, etc.)

(e) On or before February 15, 1943, and again on or before March 15, 1943, any person selling fluid milk at wholesale into store, or at retail to the home, at maximum prices established by this order shall file with the appropriate District Office of the Office of Price Administration a statement giving the information specified below for his respective market for the preceding calendar month. Thereafter, such a statement shall be filed on or before May 15, 1943 and on or before the 15th day of each second succeeding month, and shall cover the two calendar months preceding the month during which such statement is required to be filed.

1. The name and address (city, county, state) of each producer from whom milk is purchased.

2. The amount of milk in cwt. purchased from each such producer.

3. The price paid, f. o. b. buyer, per cwt. to each such producer.

4. The quantity of milk sold in cwt.; (a) as fluid milk, (b) as cream, and (c) for manufactured products, e. g. cheese, ice cream, etc.

5. The price at which milk is sold for use; (a) as fluid milk, (b) as cream, and (c) for manufactured products (average price).

6. The price at which each type of fluid milk is sold; (a) for home delivery, (b) out of store, (c) into store.

(f) *Definitions.* When used in this order the term:

(1) "Appropriate District Office of the Office of Price Administration" means the District Office of the Office of Price Administration for the district in which the seller has sold and delivered the major portion of all fluid milk sold and delivered by him at maximum prices established by this order during the period for which the statement required by Section (e) above is to be filed.

(2) "Syracuse-Albany Territory" means that part of the State of New York which consists of the counties of:

Albany, Cayuga, Columbia, Clinton, Essex, Franklin, Fulton, Greene, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Rensselaer, Saratoga, St. Lawrence, Schenectady, Schoharie, Warren, and Washington.

(3) "Area No. I" means that part of the State of New York which consists of the Syracuse, Utica, Rome, Albany, Rensselaer, Schenectady and Troy Milk Marketing Areas (defined below).

(a) "Syracuse Milk Marketing Area" means that portion of Onondaga County, New York, which consists of the City of Syracuse and the towns of Camillus, Clay, Salina, Geddes, Onondaga, Cicero, DeWitt, Manlius, and the village of Warners.

(b) "Utica Milk Marketing Area means that portion of Oneida County, New York, which consists of the City of Utica and the towns of Deerfield, New Hartford, Marcy and Whitestown.

(c) "Rome Milk Marketing Area" means that portion of Oneida County, New York, which consists of the City of Rome and the towns of Rome and Westmoreland.

(d) "Albany Milk Marketing Area" means that portion of Albany County, New York, which consists of the City of Albany and the towns of Bethlehem, Colonie, Guilderland, and New Scotland.

(e) "Rensselaer Milk Marketing Area" means that portion of Rensselaer County, New York, which consists of the city of Rensselaer and the town of East Greenbush.

(f) "Schenectady Milk Marketing Area" means that portion of Schenectady County, New York, which consists of the city of Schenectady and the towns of Glenville, Rotterdam and Niskayuna.

(g) "Troy Milk Marketing Area" means that portion of Rensselaer County, New York, which consists of the city of Troy and the towns of Brunswick and North Greenbush and Lansingburg.

(4) "Area No. II" means that part of the State of New York which consists of the counties of:

Herkimer, Madison, Saratoga, Fulton, Montgomery, Warren, Hamilton, Columbia, Greene, Essex, Jefferson, Onondaga (with the exception of the Syracuse Milk Marketing Area above defined), Oneida (with the exception of the Utica Milk Marketing Area and the Rome Milk Marketing Area above defined), Rensselaer (with the exception of the Troy Milk Marketing Area and the Rensselaer Milk Marketing Area above defined), Albany (with the exception of the Schenectady Milk Marketing Area); the cities of Fulton and Oswego and the towns of Volney, Granby, Oswego, Minetto, Scriba, New Haven and Mexico in Oswego County; the city of Auburn and the towns of Owasco, Niles, Fleming, Moravia, Sennett, Aurelius, Throop, Springport, Scipio, Mentz and Ledyard in Cayuga County; the towns of Harrietstown and Clara in Franklin County; the town of Kingsbury in Washington County; the towns of Morristown, Potsdam, Stockholm, Louisville, Waddington, Massena, Madrid, Norfolk and Brasher in St. Lawrence County.

(5) "Area No. III" means that part of Clinton County, New York, which consists of the towns of Plattsburg, Schuyler Falls, Peru, Saranac and Dannemora.

(6) "Area No. IV" means that part of the State of New York which consists of the counties of:

Lewis, Schoharie, Cayuga (with the exception of the city of Auburn and the towns of Owasco, Niles, Fleming, Moravia, Sennett, Aurelius, Throop, Springport, Scipio, Mentz, and Ledyard), Oswego (with the exception of the city of Oswego and the towns of Volney, Granby, Oswego, Minetto, Scriba, New Haven and Mexico), St. Lawrence (with the exception of the towns of Canton, Oswegatchie, Lisbon, DeKalb, DePeyster, Morristown, Potsdam, Stockholm, Louisville, Waddington, Massena, Madrid, Norfolk, Brasher), Clinton (with the exception of the towns of Plattsburg, Schuyler Falls, Peru, Saranac and Dannemora), Washington (with the exception of the town of Kingsbury), and Franklin (with the exception of the towns of Harrietstown and Clara).

(7) "Fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(8) "Grade A pasteurized" milk shall have the meaning prescribed by the appropriate statutes, orders or regulations of the State of New York, unless such definition is superseded by statutes, orders or regulations of that political sub-division of the State of New York within which such milk is sold and delivered.

Issued January 30, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16051; Filed, October 1, 1943; 5:00 p. m.]

[Region II Order G-11 Under 18 (c) of GMPR, Amdt. 1]

FLUID MILK IN SYRACUSE-ALBANY AREA, N. Y.

Amendment No. 1 to Order No. G-11 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 12).

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and Revised Procedural Regulation No. 1 and for the reasons set forth in an opinion to be issued simultaneously herewith, *It is ordered,* That paragraph (e) be deleted from New York Regional Office Order No. 12, issued January 30, 1943, under § 1499.18 (c) of the General Maximum Price Regulation (redesignated Order No. G-11).

Issued and effective February 26, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16052; Filed, October 1, 1943; 4:55 p. m.]

[Region II Order G-11 Under 18 (c) of GMPR, Amdt. 2]

FLUID MILK IN SYRACUSE-ALBANY AREA, N. Y.

Amendment No. 2 to Order No. G-11 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Syracuse-Albany Territory, New York.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation *It is hereby ordered,* That paragraph (f) (4) and paragraph (f) (6) be amended as set forth below:

(f) (4) "Area No. II" means that part of the State of New York which consists of the counties of:

Herkimer, Madison, Saratoga, Fulton, Montgomery, Warren, Hamilton, Columbia,

Greene, Essex, Jefferson, Onondaga (with the exception of the Syracuse Milk Marketing Area above defined), Oneida (with the exception of the Utica Milk Marketing Area and the Rome Milk Marketing Area above defined), Rensselaer (with the exception of the Troy Milk Marketing Area and the Rensselaer Milk Marketing Area above defined), Albany (with the exception of the Albany Milk Marketing Area), Schenectady (with the exception of the Schenectady Milk Marketing Area); the cities of Fulton and Oswego and the towns of Volney, Granby, Minetto, Scriba, New Haven and Mexico in Oswego County; the city of Auburn and the towns of Owasco, Niles, Fleming, Moravia, Sennett, Aurelius, Throop, Springport, Scipio, Mentz and Ledyard in Cayuga County; the towns of Harrietstown and Clara in Franklin County; the town of Kingsbury and the village of Fort Edward in Washington County; the towns of Morristown, Potsdam, Stockholm, Louisville, Waddington, Massena, Madrid, Norfolk and Brasher in St. Lawrence County.

* * * * *

(f) (6) "Area No. IV" means that part of the State of New York which consists of the counties of:

Lewis, Schoharie, Cayuga (with the exception of the city of Auburn and the towns of Owasco, Niles, Fleming, Moravia, Sennett, Aurelius, Throop, Springport, Scipio, Mentz, and Ledyard), Oswego (with the exception of the city of Oswego and the towns of Volney, Granby, Oswego, Minetto, Scriba, New Haven and Mexico) St. Lawrence (with the exception of the towns of Canton, Oswegatchie, Lisbon, DeKalb, DePeyster, Morristown, Potsdam, Stockholm, Louisville, Waddington, Massena, Madrid, Norfolk, Brasher), Clinton (with the exception of the towns of Plattsburg, Schuyler Falls, Peru, Saranac and Dannemora), Washington, (with the exception of the town of Kingsbury and village of Fort Edward), and Franklin (with the exception of the towns of Harrietstown and Clara).

This amendment to Order No. G-11 shall become effective June 23, 1943.

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

Issued this 23d day of June 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16062; Filed, October 1, 1943; 4:55 p. m.]

[Region II Order G-14 Under 18 (c) of GMPR]

FIREWOOD IN BUFFALO AREA, N. Y.

Order No. G-14 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 16).

It is the judgment of the Regional Administrator that there exists or threatens to exist in the State of New York exclusive of the counties of Chautauqua, Cattaraugus, Allegany, Erie, Wyoming, Genesee, Orleans and Niagara comprising the Buffalo District, a shortage in the supply of firewood, a commodity essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers of such fuel within such area; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended; § 1499.18 (c) of the General Maximum Price Regulation as amended; and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

(a) On and after March 6, 1943, the maximum prices for the sale and delivery of hardwood cordwood at the roadside, to the dealer's yard, and to the consumer's premises in the units and sizes and in the areas set forth in Appendix A hereof, shall be the applicable adjusted maximum prices specified in the appropriate schedule thereof.

(b) The following charges per unit for stacking may be added to the applicable adjusted maximum prices set forth in the appropriate schedule of Appendix A hereof, where the seller performs such service at the request of the purchaser:

Unit:	*Maximum authorized stacking charge*
Cord	$1.00
½ cord	.50
¼ cord	.25

(c) No seller may require as a condition of any sale or delivery of hardwood cordwood that the purchaser use the services of such seller in stacking hardwood cordwood on the premises of the purchaser or at some other designated place.

(d) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator, at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(e) *Definitions.* When used in this order the term:

(1) "Firewood" means any wood prepared and intended for consumption as fuel.

(2) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, of desirable species.

(3) "Hardwood cordwood" means any cordwood cut from deciduous trees.

(4) "Cord" means a standard cord of 128 cubic feet of completely piled firewood.

(5) "½ cord" means 64 cubic feet of compactly piled firewood.

(6) "¼ cord" means 32 cubic feet of compactly piled firewood.

(7) "Stacking" means the orderly placing, arranging, setting or piling of individual pieces of firewood on or at the premises designated by, and in a place therein prescribed by, the purchaser.

(8) "At the roadside" means deposited by a producer on ground adjacent to a road or highway and accessible by automobile, truck or wagon.

(9) "To the dealer's yard" means delivered and deposited on or at dealer's yard.

(10) "To the consumer's premises" means delivered and deposited on or at premises designated by the purchaser or his representative.

(11) "Area No. 1" means that part of the State of New York which consists of the cities of Albany, Binghamton, Rochester, Utica, Syracuse, Troy, Schenectady.

(12) "Area No. 2" means that part of the State of New York which consists of the counties of Albany (exclusive of the City of Albany), Broome (exclusive of the City of Binghamton), Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Herkimer south of the town of Poland, and including that town, Livingston, Madison, Monroe (exclusive of the City of Rochester), Montgomery, Oneida (exclusive of the City of Utica), Onondaga (exclusive of the City of Syracuse), Ontario, Orange, Oswego, Otsego, Putnam, Rensselaer (exclusive of the City of Troy), Rockland, Saratoga, Schenectady (exclusive of the City of Schenectady), Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, Yates, and the cities or towns of Plattsburg, Malone, Saranac, Watertown City, Ogdensburg, Messina, Potsdam, and Glens Falls.

(13) "Area No. 3" means that part of the State of New York which consists of the counties of Clinton (exclusive of the City of Plattsburg), Essex, Franklin (exclusive of the Cities of Malone and Saranac), Hamilton, Herkimer north of the town of Poland, Jefferson (exclusive of the City of Watertown), Lewis, St. Lawrence (exclusive of the Cities of Ogdensburg, Messina and Potsdam), and Warren (exclusive of the City of Glens Falls).

(14) "Area No. 4" means that part of the State of New York which consists of the counties of Richmond, Suffolk, and Westchester.

(15) "Area No. 5" means that part of the State of New York which consists of the counties of Bronx, Kings, Nassau, New York, and Queens.

Issued March 3, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

APPENDIX A—ADJUSTED MAXIMUM PRICE FOR HARDWOOD CORDWOOD ACCORDING TO UNIT AND SIZE

SCHEDULE I

Area and type of delivery	¼ cord			½ cord			1 cord		
	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood
AREA NO. 1									
At roadside	$5.00	$4.75	$4.50	$9.50	$9.00	$8.50	$18.00	$17.00	$16.00
To the dealer's yard	6.25	6.00	5.75	12.00	11.50	11.00	23.00	22.00	21.00
To the consumer's premises	6.75	6.50	6.25	13.00	12.50	12.00	25.00	24.00	23.00

SCHEDULE II

Area and type of delivery	¼ cord			½ cord			1 cord		
	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood
AREA NO. 2									
At roadside	$5.00	$4.75	$4.50	$9.50	$9.00	$8.50	$18.00	$17.00	$16.00
To the dealer's yard	5.75	5.50	5.25	11.00	10.50	10.00	21.00	20.00	19.00
To the consumer's premises	6.15	5.90	5.65	11.75	11.25	10.75	22.50	21.50	20.50

SCHEDULE III

Area and type of delivery	¼ cord			½ cord			1 cord		
	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood
AREA NO. 3									
At roadside	$4.10	$3.75	$3.65	$7.75	$7.25	$6.75	$14.45	$13.45	$12.45
To the dealer's yard	4.60	4.35	3.60	8.65	8.10	7.65	16.25	15.25	14.25
To the consumer's premises	4.90	4.65	3.90	9.25	8.75	8.25	17.50	16.50	15.50

SCHEDULE IV

Area and type of delivery	¼ cord			½ cord			1 cord		
	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood
AREA NO. 4									
At roadside	$5.35	$4.60	$4.35	$10.15	$9.65	$9.15	$19.25	$18.25	$17.25
To the dealer's yard	6.15	5.90	5.65	11.75	11.25	10.75	22.50	21.50	20.50
To the consumer's premises	6.55	6.30	5.55	12.60	12.10	11.60	24.20	23.20	22.20

SCHEDULE V[1]

Area and type of delivery	¼ cord			½ cord			1 cord		
	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood	12" wood	24" wood	48" wood
AREA NO. 5									
At roadside	$6.00	$5.75	$5.50	$11.50	$11.00	$10.50	$22.00	$21.00	$20.00
To the dealer's yard	7.60	7.35	7.05	14.65	14.15	13.65	28.25	27.25	26.25
To the consumer's premises	8.25	8.00	7.25	16.00	15.50	15.00	31.00	30.00	29.00

[1] ⅛ cord 12" wood (16 cubic feet) shall be $5.25 delivered to consumer's premises.

[F. R. Doc. 43-16063; Filed, October 1, 1943; 4:57 p. m.]

[Region II Order G-14 Under 18 (c) GMPR, Amdt. 1]

FIREWOOD IN BUFFALO AREA, N. Y.

Amendment No. 1 to Order No. G-14 (formerly designated Order No. 16) under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-14 is amended in the following respects:

(a) Subparagraphs (4), (5), (6), and (9) of paragraph (c) are amended to read as follows:

(c) * * *

(4) A standard "cord" means 128 cubic feet of tightly stacked pieces of wood 48" in length. A cord of wood consisting of lengths greater than 48" shall contain at least 128 cubic feet.

(5) A "cord" of wood in lengths measuring 24" shall contain at least 104 cubic feet.

(6) A "cord" of wood in lengths measuring 12" or less shall contain at least 96 cubic feet. Sizes under 12" shall be included in this definition.

For wood sizes above 12", other than those herein specifically mentioned, the cubical contents of a cord shall be determined on a proportionate basis.

For example; a cord of wood containing lengths measuring 18" shall contain at least 98⅔ cubic feet. This is determined as follows:

16" lies between 12" and 24".
24" wood contains at least 104 cubic feet.
12" wood contains at least 96 cubic feet.
Difference 12" 8 cubic feet.
16"−12"=4".
1/12×8 cubic feet=⅓×8 cubic feet=2⅔ cubic feet.
96 cubic feet+2⅔ cubic feet=98⅔ cubic feet.

(9) "Consumer's price at dealer's yard" means the maximum price which the dealer may charge for wood sold at dealer's yard.

(b) Appendix A is amended to read as follows:

APPENDIX A—ADJUSTED MAXIMUM PRICES FOR HARDWOOD CORDWOOD ACCORDING TO UNIT AND SIZE

SCHEDULE I

Area and type of delivery	¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over
AREA NO. 1									
At roadside	$5.00	$4.75	$4.50	$9.50	$9.00	$8.50	$18.00	$17.00	$16.00
Consumer's price at dealer's yard	6.25	6.00	5.75	12.00	11.50	11.00	23.00	22.00	21.00
To the consumer's premises	6.75	6.50	6.25	13.00	12.50	12.00	25.00	24.00	23.00

SCHEDULE II

Area and type of delivery	¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over
AREA NO. 2									
At roadside	$5.00	$4.75	$4.50	$9.50	$9.00	$8.50	$18.00	$17.00	$16.00
Consumer's price at dealer's yard	5.75	5.50	5.25	11.00	10.50	10.00	21.00	20.00	19.00
To the consumer's premises	6.15	5.90	5.65	11.75	11.25	10.75	22.50	21.50	20.50

SCHEDULE III

Area and type of delivery	¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over
AREA NO. 3									
At roadside	$4.15	$3.90	$3.65	$7.75	$7.25	$6.75	$14.45	$13.45	$12.45
Consumer's price at dealer's yard	4.60	4.35	4.10	8.65	8.15	7.65	16.25	15.25	14.25
To the consumer's premises	4.90	4.65	4.40	9.25	8.75	8.25	17.50	16.50	15.50

SCHEDULE IV

Area and type of delivery	¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over
AREA NO. 4									
At roadside	$5.35	$5.10	$4.85	$10.15	$9.65	$9.15	$19.25	$18.25	$17.25
Consumer's price at dealer's yard	6.15	5.90	5.65	11.75	11.25	10.75	22.50	21.50	20.50
To the consumer's premises	6.55	6.30	6.05	12.60	12.10	11.60	24.20	23.20	22.20

SCHEDULE V[1]

Area and type of delivery	¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over	12" and up to 24"[2]	24" and up to 48"	48" and over
AREA NO. 5									
At roadside	$6.00	$5.75	$5.50	$11.50	$11.00	$10.50	$22.00	$21.00	$20.00
Consumer's price at dealer's yard	7.60	7.35	7.10	14.65	14.15	13.65	28.25	27.25	26.25
To the consumer's premises	8.25	8.00	7.75	16.00	15.50	15.00	31.00	30.00	29.00

[1] ⅛ cord 12" wood (16 cubic feet) shall be $5.25 delivered to consumer's premises.
[2] Sizes under 12" are included in this category.

This amendment to Order No. G-14 shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16054; Filed, October 1, 1943; 4:52 p. m.]

[Region II Order G-14 Under 18 (c) of GMPR, Corr.]

FIREWOOD IN BUFFALO AREA, N. Y.

Correction to Order No. G-14 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 16).

In Appendix A, Schedule V to Order No. G-14, the price of ¼ Cord, 48" length of hardwood cordwood, delivered at the roadside, stated to be $3.50, is corrected to read $5.50.

This correction to Order No. G-14 shall be effective as of March 15, 1943.

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

Issued this 17th day of March 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16053; Filed, October 1, 1943; 4:54 p. m.]

[Region II Order G-15 Under 18(c) of GMPR]

FIREWOOD IN NEW JERSEY

Order No. G-15 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 17).

It is the judgment of the Regional Administrator that there exists, or threatens to exist, in the State of New Jersey, a shortage in the supply of firewood, a fuel which is essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum price of sellers in such state for such fuel; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

(a) On and after March 10, 1943, the maximum prices for the sale of hardwood cordwood and hardwood slabwood at the roadside, to the dealer's yard and to the consumer's premises, in the units and sizes and in the areas set forth in Appendices A and B hereof, shall be the applicable adjusted maximum prices specified in the appropriate schedules thereof.

(b) A seller who, at the request of a purchaser of hardwood cordwood or hardwood slabwood, performs the service of stacking in any of the units referred to in the following schedule, may add to the applicable adjusted maximum price set forth in paragraph (a) the applicable stacking charge specified in such schedule.

Unit:	*Maximum authorized stacking charge*
Cord	$1.00
½ Cord	.50
¼ Cord	.25

(c) No seller may require as a condition of any sale or delivery of firewood that the purchaser use the services of such seller in stacking firewood on the premises of the purchaser or at some other designated place.

(d) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(e) *Definitions.* When used in this order the term:

(1) "Firewood" means any wood prepared and intended for consumption as fuel.

(2) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, of desirable species.

(3) "Hardwood cordwood" means any cordwood cut from deciduous trees.

(4) "Slabwood" means all waste firewood resulting from the sawing of logs, except sawdust and bark not adhering to the wood.

(5) "Hardwood slabwood" means any slabwood cut from deciduous trees.

(6) "Cord" means a standard cord of 128 cubic feet of compactly piled firewood.

(7) "½ cord" means 64 cubic feet of compactly piled firewood.

(8) "¼ cord" means 32 cubic feet of compactly piled firewood.

(9) "⅛ cord" means 16 cubic feet of compactly piled firewood.

(10) "Stacking" means the orderly placing, arranging, setting or piling of individual pieces of firewood on or at the premises designated by, and in a place therein prescribed by, the purchaser.

(11) "At roadside" means deposited by a producer on ground adjacent to a road or highway and accessible by automobile, truck or wagon.

(12) "To the dealer's yard" means delivered and deposited on or at dealer's yard.

(13) "To the consumer's premises" means delivered and deposited on or at premises designated by the purchaser or his representative.

(14) "Area A" means that part of the State of New Jersey which consists of the counties of Atlantic (excluding the city of Atlantic City), Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Monmouth, Morris, Ocean, Salem, Somerset, Sussex and Warren.

(15) "Area B" means that part of the State of New Jersey which consists of the counties of Bergen, Camden (excluding the city of Camden), Essex (excluding the city of Newark), Mercer (excluding the city of Trenton), Middlesex, Passaic (excluding the cities of Passaic and Paterson), Union (excluding the city of Elizabeth), and the city of Atlantic City.

(16) "Area C" means that part of the State of New Jersey which consists of the cities of Camden, Newark, Trenton, Passaic, Paterson, Elizabeth and the county of Hudson.

Issued March 3, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

APPENDIX A—ADJUSTED MAXIMUM PRICES FOR HARDWOOD CORDWOOD ACCORDING TO UNIT AND SIZE

SCHEDULE I

Area and type of delivery	⅛ cord, wood lengths			¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12"	24"	48"	12"	24"	48"	12"	24"	48"	12"	24"	48"
AREA A												
At roadside	$1.85	$1.75	$1.60	$3.75	$3.50	$3.25	$7.00	$6.50	$6.00	$13.00	$12.00	$11.00
To the dealer's yard	2.10	2.00	1.85	4.25	4.00	3.75	8.00	7.50	7.00	15.00	14.00	13.00
To the consumer's premises	2.50	2.35	2.25	5.00	4.75	4.50	9.50	9.00	8.50	18.00	17.00	16.00

SCHEDULE II

AREA B												
At roadside	$2.10	$2.00	$1.90	$4.25	$4.00	$3.75	$8.00	$7.50	$7.00	$16.00	$14.00	$13.00
To the dealer's yard	2.50	2.35	2.25	5.00	4.75	4.50	9.50	9.00	8.50	18.00	17.00	16.00
To the consumer's premises	2.85	2.75	2.60	5.75	5.50	5.25	11.00	10.50	10.00	21.00	20.00	19.00

SCHEDULE III

AREA C												
At roadside	$2.35	$2.25	$2.10	$4.75	$4.50	$4.25	$9.00	$8.50	$8.00	$17.00	$16.00	$15.00
To the dealer's yard	2.85	2.75	2.60	5.75	5.50	5.25	11.00	10.50	10.00	21.00	20.00	19.00
To the consumer's premises	3.35	3.25	3.10	6.75	6.50	6.25	13.00	12.50	12.00	25.00	24.00	23.00

APPENDIX B—ADJUSTED MAXIMUM PRICES FOR HARDWOOD SLABWOOD ACCORDING TO UNIT AND SIZE

SCHEDULE I

Area and type of delivery	⅛ cord, wood lengths			¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12"	24"	48"	12"	24"	48"	12"	24"	48"	12"	24"	48"
AREAS A, B, AND C												
At the mill	$1.55	$1.45	$1.40	$2.75	$2.50	$2.25	$5.00	$4.50	$4.00	$9.00	$8.00	$7.00
To the dealer's yard	1.85	1.70	1.65	3.50	3.25	3.00	6.50	6.00	5.50	12.00	11.00	10.00
To the consumer's premises	2.10	2.00	1.90	4.25	4.00	3.75	8.00	7.50	7.00	15.00	14.00	13.00

[F. R. Doc. 43-16056; Filed, October 1, 1943; 4:52 p. m.]

[Region II Order G-15 Under 18 (c) of GMPR, Amdt. 1]

FIREWOOD IN NEW JERSEY

Amendment No. 1 to Order No. G-15 (formerly designated Order No. 17 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-15 is amended in the following respect:

(a) Subparagraphs (6), (7), (8), (9) and (12) of paragraph (e) are amended to read as follows:

(e) * * *

(6) A standard "cord" means 128 cubic feet of tightly stacked pieces of wood 48" in length. A cord of wood consisting of lengths greater than 48" shall contain at least 128 cubic feet.

(7) A "cord" of wood in lengths measuring 24" shall contain at least 104 cubic feet.

(8) A "cord" of wood in lengths measuring 12" or less shall contain at least 96 cubic feet. Sizes under 12" shall be included in this definition.

(9) For wood sizes above 12" other than those herein specifically mentioned, the cubical contents of a cord shall be determined on a proportionate basis.

For example, a cord of wood containing lengths measuring 16" shall contain at least 98⅔ cubic feet. This is determined as follows:

16" lies between 12" and 24".
24" wood contains at least 104 cubic feet.
12" wood contains at least 96 cubic feet.
Difference 12" 8 cubic feet.
16"−12"=4".
4/12×8 cubic feet=⅓×8 cubic feet=2⅔ cubic feet.
96 cubic feet+2⅔ cubic feet=98⅔ cubic feet.

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(12) "Consumer's price at dealer's yard" means the maximum price which the dealer may charge for wood sold at dealer's yard.

(b) Appendix A is amended to read as follows:

APPENDIX A—ADJUSTED MAXIMUM PRICES FOR HARDWOOD CORDWOOD ACCORDING TO UNIT AND SIZE

SCHEDULE I

Area and type of delivery	⅛ cord, wood lengths			¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24"	24" and up to 48"	48" and over	12" and up to 24"	24" and up to 48"	48" and over	12" and up to 24"	24" and up to 48"	48" and over	12" and up to 24"	24" and up to 48"	48" and over
AREA A												
At roadside	$2.00	$1.85	$1.75	$3.75	$3.50	$3.25	$7.00	$6.50	$6.00	$13.00	$12.00	$11.00
Consumer's price at dealer's yard	2.25	2.10	2.00	4.25	4.00	3.75	8.00	7.50	7.00	15.00	14.00	13.00
To the consumer's premises	2.65	2.50	2.40	5.00	4.75	4.50	9.50	9.00	8.50	18.00	17.00	16.00

SCHEDULE II

AREA B												
At roadside	$2.25	$2.10	$2.00	$4.25	$4.00	$3.75	$8.00	$7.50	$7.00	$15.00	$14.00	$13.00
Consumer's price at dealer's yard	2.65	2.50	2.40	5.00	4.75	4.50	9.50	9.00	8.50	18.00	17.00	16.00
To the consumer's premises	3.00	2.85	2.75	5.75	5.50	5.25	11.00	10.50	10.00	21.00	20.00	19.00

SCHEDULE III

AREA C												
At roadside	$2.50	$2.35	$2.25	$4.75	$4.50	$4.25	$9.00	$8.50	$8.00	$17.00	$16.00	$15.00
Consumer's price at dealer's yard	3.00	2.85	2.75	5.75	5.50	5.25	11.00	10.50	10.00	21.00	20.00	19.00
To the consumer's premises	3.50	3.35	3.25	6.75	6.50	6.25	13.00	12.50	12.00	25.00	24.00	23.00

(c) Appendix B is amended to read as follows:

APPENDIX B—ADJUSTED MAXIMUM PRICES FOR HARDWOOD SLABWOOD ACCORDING TO UNIT AND SIZE

Area and type of delivery	⅛ cord, wood lengths			¼ cord, wood lengths			½ cord, wood lengths			1 cord, wood lengths		
	12" and up to 24" [1]	24" and up to 48"	48" and over	12" and up to 24" [1]	24" and up to 48"	48" and over	12" and up to 24" [1]	24" and up to 48"	48" and over	12" and up to 24" [1]	24" and up to 48"	48" and over
AREAS A, B, AND C												
At the mill	$1.50	$1.35	$1.25	$2.75	$2.50	$2.25	$5.00	$4.50	$4.00	$9.00	$8.00	$7.00
Consumer's price at dealer's yard	1.90	1.75	1.65	3.50	3.25	3.00	6.50	6.00	5.50	12.00	11.00	10.00
To the consumer's premises	2.25	2.10	2.00	4.25	4.00	3.75	8.00	7.50	7.00	15.00	14.00	13.00

[1] Sizes under 12" are included in this category.

This amendment to Order No. G-15 shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16055; Filed, October 1, 1943; 4:55 p. m.]

[Region II Order G-1 Under 18 (c) of GMPR]

FIREWOOD IN THE BUFFALO DISTRICT, N. Y.

Order No. G-1 under § 1499.18 (c) of the General Maximum Price Regulation; File No. II-1499.18 (c)-1.

It is the judgment of the Regional Administrator that there exists in the counties of Erie, Niagara, Orleans, Genesee, Wyoming, Chautauqua, Cattaraugus and Allegany in the State of New York (hereinafter referred to as the Buffalo District), all of which are within the territorial jurisdiction of the Buffalo District Office of the Office of Price Administration, a shortage in the supply of a commodity which is essential to a standard of living consistent with the prosecution of the war; that such shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers for such commodity within the Buffalo District; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.18 (c) of the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

(a) On and after December 1, 1942, the maximum prices established by § 1499.2 of the General Maximum Price Regulation for hardwood cordwood, as defined herein, in the units and in the localities set forth in Appendix A hereof, shall be the applicable adjusted maximum prices specified in the schedules contained therein.

(b) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator, at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any Price Regulation, the provisions of which may be contrary hereto.

(c) The provisions of this order shall supersede the provisions of the General Maximum Price Regulation only to the extent that maximum prices are prescribed herein, in the units and in the localities specified. As to any sales and deliveries in other units, or in other localities within the Buffalo District, or elsewhere, the prices established under § 1499.2 shall prevail.

(d) *Definitions.* When used in this order the term:

1. "Hardwood cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, cut from any deciduous trees.

2. "Standard cord" means 128 cubic feet of 4 foot hardwood cordwood piled 4 feet high and 8 feet long.

3. "Delivery" means deposit on or at premises designated by the purchaser.

(e) *Appendix A—Maximum prices for hardwood cordwood.*

SCHEDULE I—PRODUCER PRICES OF HARDWOOD CORD WOOD AT ROADSIDE IN THE BUFFALO DISTRICT

12" wood in units of 32 cu. ft. (¼ std. cord)	$4.50
14" wood in units of 37½ cu. ft. (7/24 std. cord)	5.35
16" wood in units of 42⅔ cu. ft. (⅓ std. cord)	6.00
18" wood in units of 48 cu. ft. (⅜ std. cord)	6.75
24" wood in units of 64 cu. ft. (½ std. cord)	9.00
30" wood in units of 80 cu. ft. (⅝ std. cord)	11.25
48" wood in units of 128 cu. ft. (1 std. cord)	16.00

SCHEDULE II—PRICE OF HARDWOOD CORDWOOD IN THE CITY OF BUFFALO AND TOWNSHIPS OF AMHERST AND CHEEKTOWAGA AND WEST SENECA, IN ERIE COUNTY; AND IN THE CITY OF NIAGARA FALLS AND TOWNSHIP OF WHEATFIELD IN NIAGARA COUNTY

Unit	Delivered price to dealer's yard	Delivered price at consumer's premises, grounds only
12" wood 32 cu. ft. (¼ std. cord)	$6.50	$8.00
14" wood 37½ cu. ft. (7/24 std. cord)	7.60	9.10
16" wood 42⅔ cu. ft. (⅓ std. cord)	8.65	10.40
18" wood 48 cu. ft. (⅜ std. cord)	9.75	11.75
24" wood 64 cu. ft. (½ std. cord)	13.00	15.50
30" wood 80 cu. ft. (⅝ std. cord)	16.25	19.00
48" cord 128 cu. ft. (1 std. cord)	21.00	24.00

SCHEDULE III—PRICE OF HARDWOOD CORDWOOD IN ALL OTHER AREAS OF NIAGARA AND ERIE COUNTIES NOT SPECIFIED IN SCHEDULE II; AND IN THE COUNTIES OF ORLEANS, WYOMING, CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND GENESEE

Unit	Delivered price to dealer's yard	Delivered price at consumer's premises; grounds only
12" wood 32 cu. ft. (¼ std. cord)	$5.50	$6.50
14" wood 37½ cu. ft. (7/24 std. cord)	6.40	7.40
16" wood 42⅔ cu. ft. (⅓ std. cord)	7.35	8.50
18" wood 48 cu. ft. (⅜ std. cord)	8.20	9.45
24" wood 64 cu. ft. (½ std. cord)	11.00	12.50
30" wood 80 cu. ft. (⅝ std. cord)	13.50	15.25
48" wood 128 cu. ft. (1 std. cord)	18.50	21.50

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

Issued November 30, 1942.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16081; Filed, October 2, 1943; 11:38 a. m.]

[Region II Order G-7 Under 18 (c) of GMPR, Amdt. 1]

FLUID MILK IN STATE OF MARYLAND

Amendment No. 1 to Order No. G-7 under § 1499.18 (c) of the General Maximum Price Regulation; File No. II-1499.18 (c)-9.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued simultaneously herewith, *It is ordered,* That paragraph (d) be deleted from the order of the New York Regional Office, issued January 8, 1943, under § 1499.18 (c) of the General Maximum Price Regulation, and designated as "File No. II-1499.18 (c)-9."

Issued and effective February 26, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16080; Filed, October 2, 1943; 11:39 a. m.]

[Region II Order G-8 Under 18 (c) of GMPR, Amdt. 1]

FLUID MILK IN OGDENSBURG-CANTON AREA, N. Y.

Amendment No. 1 to Order No. G-8 under § 1499.18 (c) of the General Maximum Price Regulation.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued simultaneously herewith, *It is ordered,* That paragraph (d) be deleted from New York Regional Office Order No. G-8 issued January 21, 1943, under § 1499.18 (c) of the General Maximum Price Regulation.

Issued and effective February 26, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16082; Filed, October 2, 1943; 11:39 a. m.]

[Region II Order G-10 Under 18 (c) of GMPR]

HARDWOOD CORDWOOD IN STATE OF PENNSYLVANIA

Order No. G-10 under § 1499.18(c) of the General Maximum Price Regulation (formerly Order No. 11); File No. II-1499.18 (c)-13.

It is the judgment of the Regional Administrator that there exists, or threatens to exist, in that part of the State of Pennsylvania which consists of the counties of Philadelphia, Montgomery, Bucks, Chester and Delaware, a shortage in the supply of a fuel which is essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum price of sellers in such counties for such fuel; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion to be issued forthwith; *It is ordered,* That:

(a) On and after January 25, 1943, the maximum price for the sale and delivery of hardwood cordwood in the units, sizes, and in the counties in the State of Pennsylvania, set forth in the following schedule, shall be the applicable adjusted maximum price specified therein for the appropriate locality.

Size	County	Adjusted maximum price (per unit)		
		Cord	½ cord	¼ cord
4 feet	Philadelphia	$23.00	$12.50	$6.50
12 inches, 16 inches, 24 inches	Philadelphia	24.00	13.00	6.75
	Montgomery	21.50	11.75	6.25
	Bucks	17.00	9.50	5.00
	Chester	17.00	9.50	5.00
	Delaware	19.00	10.50	5.50

(b) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(c) *Definitions.* When used in this order the term:

(1) "Cordwood" means any firewood so prepared that at least 50% consists of cleft wood or merchantable body wood in the round, of desirable species.

(2) "Hardwood cordwood" means cordwood cut from any deciduous tree.

(3) "Standard cord" means 128 cubic feet of hardwood cordwood piled 4 feet high and 5 feet long.

(4) "Delivery" means deposit on or at premises designated by the purchaser.

Issued January 25, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16076; Filed, October 2, 1943; 11:37 a. m.]

[Region II Order G-12 Under 18 (c) of GMPR]

FLUID MILK IN STATE OF MARYLAND

Order No. G-12 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 14); File No. II-1499.18 (c)-51.

It is the judgment of the Regional Administrator that there exists, or threatens to exist in the counties of Frederick, Washington, Carroll, Harford and Cecil in the State of Maryland, a shortage in the supply of a commodity which is essential to a standard of living consistent with the prosecution of the war; that such shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers for such commodity within such counties; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued forthwith, *It is ordered,* That:

(a) On and after February 11, 1943, the maximum prices for the sale and delivery in glass containers of fluid milk at wholesale into store, at retail out of store and at retail to the home in the areas referred to in the following schedule, shall be the applicable maximum prices specified therein:

Area	Grade	Type of delivery	Container size	Adjusted maximum price (in cents)
No. I	Standard raw	Into store	Quart	10
		Out of store and to the home	Quart	12
	Standard pasteurized	Into store	Quart	11
		Out of store and to the home	Quart	13
	Pasteurized Guernsey	Into store	Quart	12
		Out of store and to the home	Quart	14
No. II	Standard raw	Into store	Quart	9
		Out of store and to the home	Quart	11
	Standard pasteurized	Into store	Quart	11
		Out of store and to the home	Quart	13
No. III	Standard raw and standard pasteurized.	Into store	Quart	11
		Out of store and to the home	Quart	13
	Guernsey pasteurized	Into store	Quart	13
		Out of store and to the home	Quart	15

(b) On and after February 11, 1943, the maximum prices for the sale and delivery in glass containers of fluid milk at wholesale into store, at retail out of store and at retail to the home in that part of the State of Maryland which consists of the county of Harford, shall be the seller's maximum price as determined under § 1499.2, *General provisions,* of the General Maximum Price Regulation, or the applicable adjusted maximum prices specified in the following schedule, whichever is higher:

Grade	Type of delivery	Container size	Adjusted maximum price (in cents)
Standard raw	Into store	Quart	10
Guernsey raw, and Holstein raw	Out of store and to the home	Quart	12
Standard pasteurized	Into store	Quart	12
	Out of store and to the home	Quart	14

(c) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(d) On or before February 20, 1943, and again on or before March 15, 1943, any person selling milk at wholesale into store, or at retail to the home, at maximum prices established by this order shall file with the Baltimore District Office of the Office of Price Administration a statement giving the information specified below for his respective market for the preceding calendar month. Thereafter, such statement shall be filed on or before May 15, 1943 and on or before the 15th day of every second succeeding month, and shall cover the two calendar months preceding the month during which such statement is required to be filed.

1. The name and address (city, county, state) of each producer from whom milk is purchased.
2. The amount of milk in cwt. purchased from each such producer.
3. The price paid, f. o. b. buyer, per cwt. to each such producer.
4. The quantity of milk sold in cwt.; (a) as fluid milk, (b) as cream, and (c) for manufactured products, e. g. cheese, ice cream, etc.
5. The price at which milk is sold for use; (a) as fluid milk, (b) as cream, and (c) for manufactured products (average price).
6. The price at which fluid milk of the types specified herein is sold; (a) for home delivery, (b) out of store, (c) into store.

(e) All orders affecting the maximum price of fluid milk sold and delivered within any part of Area No. 1 issued by the Regional Administrator of Region II pursuant to § 1499.18 (c) of the General Maximum Price Regulation (including but not limited to that order designated as "File No. II-1499.18(c)-3" issued on December 5, 1942) are hereby revoked and superseded by this Order No. G-12.

(f) *Definitions.* When used in this order—

(1) The term "Area No. I" means that part of the State of Maryland which consists of the counties of Frederick and Washington.

(2) The term "Area No. II" means that part of the State of Maryland which consists of the county of Carroll.

(3) The term "Area No. III" means that part of the State of Maryland which consists of the county of Cecil.

(4) The term "fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(5) The terms "standard pasteurized" and "standard raw" fluid milk shall have the meanings prescribed for such types of milk by the appropriate Maryland Milk Law and by the appropriate regulations of the Maryland State Board of Health.

(6) The term "raw Guernsey" milk means standard raw fluid milk as defined above, produced from full-blooded Guernsey cows.

(7) The term "Holstein raw" milk means standard raw fluid milk as defined above, produced from full-blooded Holstein cows.

(8) The term "Guernsey pasteurized" milk means standard pasteurized fluid milk as defined above, produced from full-blooded Guernsey cows.

Issued February 11, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16077; Filed, October 2, 1943; 11:37 a. m.]

[Region II Order G-12 Under 18 (c) of GMPR, Amdt. 1]

FLUID MILK IN STATE OF MARYLAND

Amendment No. 1 to Order No. G-12 (formerly Order No. 14) under § 1499.18 (c) of the General Maximum Price Regulation.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued simultaneously herewith: *It is ordered,* That paragraph (c) be deleted from New York Regional Office Order No. G-12 issued February 11, 1943, under § 1499.18 (c) of the General Maximum Price Regulation.

Issued and effective February 26, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16078; Filed, October 2, 1943; 11:37 a. m.]

[Region II Order G-13 Under 18 (c) of GMPR]

FIREWOOD IN BALTIMORE COUNTY, MD.

Order No. G-13 under § 1499.18 (c) of the General Maximum Price Regulation (formerly Order No. 15); File No. II-1499.18 (c)-31.

It is the judgment of the Regional Administrator that there exists, or threatens to exist, in that part of the State of Maryland which consists of the county of Baltimore, a shortage in the supply of a fuel which is essential to a standard of living consistent with the prosecution of the war; that such local shortage will be substantially reduced or eliminated by adjusting the maximum price of sellers in such county for such fuel; and 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.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That:

(a) On and after February 24, 1943, the maximum price for the sale and delivery in Baltimore County, Maryland, of firewood at retail in the types, units and sizes set forth in the following schedule, shall be the applicable adjusted maximum price specified therein:

Type	Size	Adjusted maximum price (per unit)		
		Cord	½ cord	¼ cord
Hardwood cordwood	12 inches, 16 inches, 24 inches	$22.00	$11.50	$6.00
Hardwood cordwood	4 feet	25.00	13.00	7.00
Softwood cordwood	12 inches, 16 inches, 24 inches	22.00	11.50	6.00
Hardwood slabwood	12 inches, 16 inches, 24 inches	21.75	11.00	5.50
Softwood slabwood	12 inches, 16 inches, 24 inches	16.25	8.25	4.50

(b) The following charges per unit for stacking may be added to the applicable adjusted maximum price set forth in paragraph (a) where the seller performs such service at the request of the purchaser:

Unit	*Maximum authorized stacking-charge*
Cord	$1.00
½ cord	.50
¼ cord	.25

(c) No seller may require as a condition of any sale or delivery of firewood that the purchaser use the services of such seller in stacking firewood on the premises of the purchaser or at some other designated place.

(d) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or by supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(e) *Definitions.* When used in this order the term:

(1) "Firewood" means any wood prepared and intended for consumption as fuel.

(2) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, of desirable species.

(3) "Hardwood cordwood" means any cordwood cut from deciduous trees.

(4) "Softwood cordwood" means any cordwood other than hardwood cordwood.

(5) "Slabwood" means all waste firewood resulting from the making of logs except sawdust and bark not adhering to the wood.

(6) "Hardwood slabwood" means any slabwood cut from deciduous trees.

(7) "Softwood slabwood" means any slabwood other than hardwood slabwood.

(8) "Cord" means a standard cord of 128 cubic feet of compactly piled firewood.

(9) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user.

(10) "Stacking" means the orderly placing, arranging, setting or piling of individual pieces of firewood on or at the premises designated by, and in a place therein prescribed by, the purchaser.

(11) "Delivery" means deposit on or at premises designated by the purchaser.

Issued February 22, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16079; Filed, October 2, 1943; 11:39 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on October 1, 1943.

REGION VI

Springfield Order No. 13, Amendment No. 1, Filed 5:01 p. m.
Springfield Order No. 14, Amendment No. 1, Filed 5:01 p. m.
Springfield Order No. 15, Amendment No. 1, Filed 5:01 p. m.
Springfield Order No. 16, Amendment No. 1, Filed 5:01 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16184; Filed, October 4, 1943; 11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-68]

TIDE WATER POWER CO.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of September 1943.

The Commission having examined the corporate structure of Tide Water Power Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, and the files and records of the Commission relating thereto, and such examination having disclosed data establishing, or tending to establish, that:

1. Tide Water Power Company is a corporation organized under the laws of the State of North Carolina on February 26, 1907, maintaining its principal office in the City of Wilmington, State of North Carolina. It is a public utility company, within the meaning of section 2 (a) (5) of the Public Utility Holding Company Act of 1935 ("Act"), and is a subsidiary of General Gas & Electric Corporation, a registered holding company, which in turn is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company. Tide Water Power Company is engaged in the generation, purchase, transmission and distribution of electric energy in the State of North Carolina; it receives approximately 48% of its electric energy requirements through physical connections with the transmission system of Carolina Power & Light Company, a nonassociated public utility company, which transmission system is physically connected with sources of electric energy located outside the State of North Carolina. Tide Water Power Company supplies the electric energy requirements of a number of consumers who produce and manufacture articles for and in interstate commerce. Tide Water Power Company also engages in the manufacture, transmission, and distribution of gas in various communities. It also supplies water service to various communities, and it supplies bus service to the City of Wilmington and its vicinity.

2. A condensed balance sheet, per books, as of December 31, 1942, is as follows:

Assets and Other Debts		
Fixed capital—Plant and property (including intangibles)		$11,663,576.60
Investments		24,897.50
Current and accrued assets		1,131,846.43
Deferred debits:		
Unamortized debt discount and expense	$496,430.85	
Railway property and other suspense to be amortized	658,500.20	
Other	15,769.26	
		1,170,700.31
Total assets and other debits		13,991,020.84
Liabilities and Other Credits		
Common stock—115,789 shs., par value $10		$1,157,890.00
Preferred stock, $6 cumulative, 23,858 shs. outstanding (entitled to $100 per share on liquidation)		2,218,794.00
Long-term debt:		
First mortgage 5% bonds, due 1979	$6,186,500.00	
REA Loan, due serially to 1956	83,323.71	
		6,269,823.71
Current and accrued liabilities		1,247,531.43
Deferred credits		6,597.76
Reserves:		
Retirement (depreciation) of fixed capital	[1]1,951,714.63	
Other	51,204.81	
		2,002,919.44
Contributions in aid of construction		242,527.12
Capital surplus		727,759.50
Earned surplus (since August 1, 1938)		117,177.88
Total liabilities and other credits		13,991,020.84

3. As of December 31, 1942, the plant and property, per books, amounted to $11,663,576.60. As of the same date the retirement reserve amounted to $1,951,714.63, or 16.73% of the plant and property; thus the net plant and property, per books, amounted to $9,711,861.97.

4. Included in the plant and property account of the company are certain upward revaluations of plant and property totaling not less than $3,671,972.05. Contra credits were made to the retirement reserve in the amount of $424,584.58 and to the capital surplus account in the amount of not less than $3,247,387.47. Although retirements of railway property may have reduced the amount of the revaluations appearing in the plant and property account and in the retirement reserve account, the net upward revaluation remains not less than $3,247,387.47.

5. A segregation of the gross plant and property account, and the retirement reserve by classes of utility plant, the resultant net plant account by classes, and the percentage of reserve to gross plant account, per books, as at December 31, 1942, were as follows:

	Gross plant account	Retirement reserve	Net plant account	Per cent of depreciation reserve to gross plant account
Electric	$7,772,793.63	$1,279,159.69	$6,493,636.94	16.46
Gas	2,544,206.44	551,000.62	1,993,205.82	21.66
Water	331,706.24	39,555.98	292,210.26	11.92
Coach	253,549.77	82,001.34	171,548.43	32.34
Other undistributed property	761,230.53		761,230.53	
Total	$11,663,576.60	$1,951,714.63	$9,711,861.97	16.73

6. Included among the deferred debits, as of December 31, 1942, are items aggregating $658,500.20, representing:

(a) The balance arising from the abandonment of railway property ($647,706.41) which is being amortized through charges to income over a ten-year period (of which 3 years have elapsed). Such unamortized amount has no present or future realizable value.

(b) The unamortized expenses incurred in connection with revaluation of fixed property, amounting to $10,793.79.

7. The earned surplus account of the company has been improperly credited with a number of items (including an item reflecting a donation by National Public Service Corporation in the sum of $400,000, and another item representing a transfer from capital surplus to earned surplus of $421,049.09), totaling not less than $821,049.09. If credits of $821,049.09 were transferred from earned surplus, the earned surplus account would appear as a deficit in the amount of $703,871.21.

8. No dividends have been paid on the $6 cumulative preferred stock of the Tide Water Power Company since March 1, 1938. On December 31, 1942, the accumulated unpaid dividends on this class of stock amounted to $29 per share, and aggregated $691,882.

9. No dividends have been paid on the common stock since 1932.

10. Writing off the abandoned railway property and the expenses in connection with the revaluation ($658,500.20), writing off the inflationary items in plant and property account and the related retirement reserve (which net to not less than $3,247,387.47), stating the preferred stock at liquidating value of $100 per share (involving an adjustment of $167,006.00), and the setting up of cumulative dividend arrears on the preferred stock ($691,882), would reduce the combined surplus accounts from $844,937.38 to a combined surplus deficit of not less than $3,919,838.29. A tabulation of the foregoing adjustments is set forth below:

Capital surplus, per books	$727,759.50		
Earned surplus, per books	117,177.88		$844,937.38
Adjustments:			
Writing off abandoned railway property	647,706.41		
Writing off expenses in connection with revaluation	10,793.79		
		$658,500.20	
Writing off inflationary items in plant and property account, not less than	3,671,972.05		
Less the inflationary items in the related retirement reserve	424,584.58		
		3,247,387.47	
Adjustment to state 23,858 shares of preferred stock at liquidating value ($100 per share)	2,385,800.00		
Presently carried on the books at	2,218,794.00		
		167,006.00	
Setting up cumulative dividend arrearages on the preferred stock		691,882.00	
Total adjustments to combined surplus accounts, not less than			4,764,775.67
Combined surplus deficit, not less than			[1]3,919,838.29

[1] Red figure.

11. As of December 31, 1942, the common capital stock of Tide Water Power Company, consisting of 115,789 shares having a par value of $10 per share, is carried on its books at $1,157,890, which is less than the amount of the deficit in the combined surplus accounts, after adjustment to reflect the write-offs set forth in paragraph 10 above. This indicates that there would then be no asset value for the common stock.

12. The combined surplus accounts, adjusted to reflect the write-offs set forth in paragraph 10 above, show a

deficit, as at December 31, 1942, in the amount of not less than $3,919,838.29, which exceeds the amount at which the common stock is carried by $2,761,948.29. This indicates that the asset value of the preferred stock (at liquidating value, plus arrearages) would then be impaired to the extent of at least $2,761,948.29.

13. As of December 31, 1942, per books, the ratio of total debt to net plant and property, adjusted to reflect the elimination of inflationary items in the plant and property account (in the sum of $3,671,972.05), and in the retirement reserve account (in the sum of $424,584.58), amounted to 96.97%. As of the same date, per books, the ratio of total debt to net plant and property, as adjusted, plus other net assets, amounted to 91.82%. As of the same date the ratio of total debt and preferred stock (stated at liquidating value), plus accumulated dividend arrearages to total net plant and property, as adjusted, plus other net assets, amounted to 136.90%.

14. Set forth below is the capital structure, including surplus, of Tide Water Power Company, per books, as of December 31, 1942, and as adjusted to give effect to (a) the elimination of $3,247,387.47 of the inflationary upward revaluations of plant and property, (b) writing off the abandoned railway property and the expense of revaluation, (c) setting up the preferred stock to reflect the entire liquidation value, and (d) setting up cumulative dividends to reflect the arrears on the preferred stock.

	Per books, December 31, 1942		Adjusted [1]	
	Amount	Percent of total	Amount	Percent of total
Long-term debt:				
1st 5% mortgage bonds, due 1979	$6,186,500.00	58.97	$6,186,500.00	93.94
Serial notes payable to REA, 3%	83,323.71	.79	83,323.71	1.27
Total long-term debt	6,269,823.71	59.76	6,269,823.71	95.21
Preferred stock and arrears:				
$6 cumulative, no par value	2,218,794.00	21.15	2,385,800.00	36.23
Arrears of $29 per share	0	--------	691,882.00	10.50
	2,218,794.00	21.15	3,077,682.00	46.73
Total long-term debt and preferred stock and arrearages	8,488,617.71	80.91	9,347,505.71	141.94
Common stock and surplus (deficit)				
Common stock—115,789 shares, $10 par value—all held by parent	1,157,890.00	11.04	1,157,890.00	17.58
Surplus:				
Capital	727,759.50	6.94	--------	--------
Earned (since 8/1/38)	117,177.88	1.11	--------	--------
Total surplus (deficit)	844,937.38	8.05	[2] 3,919,838.29	[2] 59.52
Total common stock and surplus (deficit)	2,002,827.38	19.09	[2] 2,761,948.29	[2] 41.94
Total capitalization and surplus	10,491,445.09	100.00	6,585,557.42	[2] 100.00

(Does not give effect to $242,527.12 conributions in aid of construction.)

[1] Unamortized debt discount and expense of $496,430.85 not charged off.
[2] Red figure.

15. The following tabulation sets forth gross income and deductions therefrom, per books, of Tide Water Power Company for the calendar years 1937 to 1942, inclusive, with resulting coverages:

	1937	1938	1939	1940	1941	1942
Gross Income	$485,745	$548,263	$505,172	$478,380	$555,157	$520,188
Income Deductions:						
Interest on long-term debt	$313,075	$316,812	$316,607	$316,377	$316,133	$315,806
Amortization of debt discount and expense	13,925	13,925	13,925	13,925	13,925	13,920
Taxes assumed on interest	--------	--------	--------	--------	5,653	6,000
Other interest charges	33,152	12,125	11,793	13,725	18,050	16,325
Interest charged to construction (credit)	[3] 2,565	[3] 1,868	[3] 204	[3] 3,257	[3] 9,685	[3] 1,725
Amortization of abandoned railway property	--------	--------	--------	100,000	200,000	100,000
Amortization of cost of 1934 revaluation	--------	--------	4,200	4,200	4,200	4,200
Miscellaneous	--------	--------	--------	--------	998	619
Total Income Deductions	$357,587	$340,994	$346,321	$444,970	$540,274	$455,145
Net Income	$128,158	$207,269	$158,851	$33,410	$5,883	$65,043
Preferred Dividend Requirements	143,148	[1] 143,148	[2] 143,148	[2] 143,148	[2] 143,148	[2] 143,148
Balance for Common Stock	[3] $14,990	$64,121	$15,703	[3] $109,738	[3] $137,265	[3] $78,105
Times Earned Ratios:						
Interest on long term debt	1.55	1.73	1.60	1.51	1.76	1.65
Total income deductions	1.36	1.61	1.46	1.08	1.01	1.14
Total income deductions and preferred dividend requirements	.97	1.13	1.03	.81	.80	.87
Earnings per share of common stock ($10 par value)	[3] $.13	$.55	$.14	[3] $.95	[3] $1.19	[3] $.68

[1] $119,290 unpaid.
[2] Not paid.
[3] Red figure.

16. The $6 cumulative preferred stock of Tide Water Power Company has a claim in liquidation of $100 per share, plus unpaid cumulative dividends which rank prior to the common stock in liquidation. By reason of the failure to pay preferred stock dividends, as described in paragraph 8 above, the preferred stock of Tide Water Power Company has acquired voting rights to the extent of one vote per share.

17. As of December 31, 1942, the distribution of voting power among the various classes of stockholders was as follows:

	Votes	Percent
$6 Cumulative preferred stock	23,858	17.1
Common stock	115,789	82.9
Total	139,647	100.0

18. As of December 31, 1942, General Gas & Electric Corporation owned 115,789 shares, or 100% of the outstanding common stock of Tide Water Power Company.

It appearing to the Commission in the light of the foregoing that it is appropriate and in the public interest and in the interest of investors and consumers to institute proceedings against Tide Water Power Company, under sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered pursuant to the provisions of said Act;

It is hereby ordered, That proceedings be and are hereby instituted pursuant to sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of the Act, and that Tide Water Power Company be, and is hereby, made respondent in these proceedings; and

It is further ordered, That said respondent shall file with the Secretary of the Commission on or before the 8th day of October, 1943, its answer, in the form prescribed by Rule U-25 of the General Rules and Regulations under the Act, admitting, denying or otherwise explaining its position with respect to the allegations heretofore made in paragraphs 1 to 18 of this order. Such answer may also include a statement by respondent of its views as to what action, if any, should be taken to bring about a fair and equitable distribution of voting power among the security holders of Tide Water Power Company; to restate the plant and property account, retirement reserve, capital accounts, surplus and other accounts, so as to segregate, dispose of, and eliminate write-ups and other inflationary items in the plant and property and other accounts, to set up adequate reserves for depreciation of plant and property, and make other adjustments in conformity with the standards of the Public Utility Holding Company Act of 1935; and as to what other action may be necessary or appropriate under the provisions of sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of said Act with respect to said respondent.

It is further ordered, That a hearing be held on the 18th day of October 1943, at 10:00 a. m., e. w. t., at the of-

fices of the Securities and Exchange Commission, Eighteenth 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 wishing to participate otherwise in the proceedings should notify the Commission in the manner provided by Rule XVII of its Rules of Practice on or before October 8, 1943.

It is further ordered, That without limiting the scope of the issues presented by these proceedings, particular attention will be directed for the purpose of determining the following matters and questions:

1. Whether voting power is unfairly or inequitably distributed among security holders of Tide Water Power Company; and if it is, what action on the part of Respondent is necessary or appropriate, pursuant to section 11 (b) (2) of the Act, to redistribute the voting power of respondent fairly and equitably among its security holders;

2. Whether such action as may be necessary or appropriate to redistribute voting power should include a reorganization of said company, and if so, the nature thereof;

3. What action, if any, may be necessary, pursuant to section 12 (c) of the Act, with respect to the restriction of dividends upon any of the outstanding stock of Respondent;

4. Whether it is necessary or appropriate to require that Tide Water Power Company take action, pursuant to section 15 (f) of the Act, to restate its plant and property account, to segregate, dispose of, or otherwise eliminate the write-ups, intangibles, and other inflationary items contained in the plant and property and other accounts, or otherwise to adjust their accounts;

5. Whether the reserves for retirement and depreciation of plant and property of Tide Water Power Company are adequate, and, if not, what action, if any, is necessary and should be required to be taken to set up adequate reserves for retirement and depreciation, and to restate its capital accounts, surplus accounts, and other accounts;

6. What other or further action, if any, should be required to be taken by the respondent to meet the requirements of the applicable sections of the Public Utility Holding Company Act of 1935, and more especially the requirements of sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) of the Act.

At the outset of said hearing, consideration will be given to such issues, if any, as may arise from the allegations in paragraphs 1 to 18 hereof, and respondent's answer hereinbefore provided for, and in any other papers filed herein by interested persons. To the extent that any allegations set forth above are not controverted in the respondent's answer and are not controverted by any other interested person, such facts shall be deemed to be admitted for the purposes of this proceeding.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Tide Water Power Company, respondent; and that notice of the entry of this order and of said hearing is hereby given to all security holders of Tide Water Power Company, to the Pennsylvania Company for Insurances on Lives and Granting Annuities, and C. S. Newhall, Co-trustees under the Indenture securing the respondent's First Mortgage 5% Gold Bonds, due 1979, Series A, to all consumers of said Tide Water Power Company, to all State commissions, State securities commissions, and all agencies, authorities and instrumentalities of the United States and of one or more States, municipalities or other political subdivisions having jurisdiction over Tide Water Power Company, or over any of the businesses, affairs or operations of said respondent, and to all other persons, such notice to be given by a general release of the 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 of this order in the FEDERAL REGISTER.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-16025; Filed, October 1, 1943; 11:33 a. m.]

[File No. 70-701]

NEW ENGLAND POWER ASSOCIATION

NOTICE OF FILING 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 30th day of September 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Power Association, a registered holding company and a subsidiary company of International Hydro-Electric System, also a registered holding company.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

New England Power Association proposes to utilize not in excess of $1,000,000 of cash presently in its treasury, and alleged not to be required by it in the conduct of its business or the business of its subsidiaries, to purchase such amounts as may be obtainable of its 5% Gold Debentures, Due April 1, 1948 and its 5½% Gold Debentures, Due December 1, 1954. Purchases are proposed to be made during a six-month period next following any order of this Commission permitting such purchases, through brokers on the New York Curb Exchange or through brokers or dealers in the over-the-counter market or through private sales not solicited by New England Power Association, at current offering prices at the time of purchase. No commissions or fees except the usual brokerage commissions are proposed to be paid by New England Power Association.

The proposed purchases are to be in addition to those which have been made in the instant calendar year as permitted by subparagraph (5) of paragraph (b) of Rule U-42 of the General Rules and Regulations under said Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the declaration shall not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing in this proceeding be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 10:00 A. M., E. W. T., on the 18th day of October, 1943, in such room as may be designated on such day by the hearing room clerk. At such hearing cause shall be shown why such declaration shall be permitted to become effective.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before October 13, 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 hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing copies thereof by registered mail to New England Power Association, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by such joint application or declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether, in all respects, the proposed transaction complies with all the

applicable provisions and requirements of section 12 (c) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

(2) Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in regard to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 43-16088; Filed, October 2, 1943; 12:37 p. m.]

[File No. 70-794]

CENTRAL POWER AND LIGHT COMPANY

NOTICE OF FILING 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 2nd day of October, A. D. 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central Power and Light Company ("Central"), a subsidiary of Central and South West Utilities Company, a registered holding company, and an indirect subsidiary of The Middle West Corporation, also a registered holding company.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Central proposes to issue and sell $25,000,000 principal amount of its First Mortgage Bonds to be dated November 1, 1943, and to mature November 1, 1973, and with the proceeds of the sale, together with treasury funds of the company to the extent required, redeem and retire $25,000,000 principal amount of First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, now outstanding.

The bonds are to be sold by competitive bidding pursuant to the provisions of Rule U-50. The company has requested that the ten day period specified in such rule be shortened to six days. The interest rate, price to be received and the purchasers of the proposed bonds are to be supplied by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on October 21, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration and application shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarant and applicant and to all interested parties, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before October 15, 1943.

It is further ordered, That Henry C. Lank, or any 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 the 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 application and declaration otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the bonds proposed to be issued are reasonably adapted to the security structure and earning power of the declarant.

2. Whether the fees and commissions, or other remuneration to whomsoever paid, directly or indirectly, in connection with the issue, sale or distribution of the security are reasonable.

3. Whether the terms and conditions of the issue or sale of the security are detrimental to the public interest or the interest of investors or consumers.

4. Whether the accounting entries to be made in connection with the proposed financing and the adjustment of accounts incident thereto are in accord with sound and accepted principles of accounting and accounting practices.

5. Whether the provisions of the indenture securing the proposed bonds are appropriate.

6. Whether all State laws applicable to the proposed transactions have been complied with.

7. Whether the transactions as proposed will comply with the provisions of Rule U-50 with respect to competitive bidding and whether the ten day period specified in such rule should in this instance be shortened to six days.

8. Whether it is necessary or appropriate to impose any terms or conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to assure compliance with the standards of the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-16135; Filed, October 4, 1943; 9:59 a. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT CO., AND BIRMINGHAM ELECTRIC CO.

NOTICE OF FILING 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 2d day of October, A. D. 1943.

Notice is hereby given that a joint application has been filed with this Commission by National Power & Light Company ("National"), a registered holding company, and its subsidiary company, Birmingham Electric Company ("Birmingham"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations of this Commission promulgated thereunder. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

National states that the following proposals are made as further steps supplementing its "Plan dated as of May 27, 1942 for Compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935" as such plan relates to Birmingham and as supplemented by the amendment of December 15, 1942 to said plan. The proposals made in the amendment of December 15, 1942 and the proposals now made were submitted in compliance with an order of the Commission dated November 9, 1942 granting National an additional year in which to complete its dissolution and directing that plans be submitted as to the manner in which National's subsidiaries, including Birmingham, propose to (a) restate their respective plant, surplus, capital and other accounts, so as to segregate, dispose of, or eliminate write-ups and intangibles in their respective plant accounts, (b) set up adequate reserves for depreciation of plant and property, (c) make such other accounting adjustments as may be deemed necessary to meet the requirements of the Act, and (d) revise and simplify their respective capital structures and take such other steps as may be deemed necessary to effectuate a fair and equitable redistribution of voting power among their respective security holders.

National further states that it has developed a program to provide cash funds for the retirement of its outstanding $6 preferred stock, consisting of 12,000 shares, and that included in such proposed program is the payment by Birmingham of a dividend of 46 cents per share on the 800,000 shares of its common stock presently held by National. The following proposed transactions are made subject to and are conditioned upon the approval by the Commission of such program:

(1) National proposes to relinquish to Birmingham as a capital contribution to the latter, National's rights to receive from Birmingham "securities junior to preferred stock" in the amount of $1,130,000 and "additional common stock" in the amount of $1,254,540.

(2) National also proposes to surrender to Birmingham for cancellation a specified number of shares (the number thereof to be supplied by amendment) of the common stock of Birmingham owned by National, to facilitate the distribution of the common stock of Birmingham to the common stockholders of National.

(3) Upon relinquishment by National of the aforesaid rights to receive additional stock, Birmingham proposes to make, as of January 1, 1943, the following adjustments in its accounts:

(a) Segregate the stated value of its preferred and common stocks in such a manner that said preferred stocks will thereafter be stated at the liquidating preference of $100 per share.

(b) Transfer, from the account Obligation to Issue Securities to the segregated common capital stock account, the sum of $2,384,540, said sum being the aggregate amount of Birmingham's obligation to issue stock to National.

(c) Increase reserve for property retirement in the amount of $3,298,451 by charge to earned surplus.

(d) Reduce plan account, subject to approval by regulatory authorities, in the sum of $1,967,231 by charge to earned surplus, said amount having been stated by National to be the balance, remaining in Birmingham's plant account, of the excess at which the plant account was stated at Birmingham's organization over book system cost at the same date.

(e) Appropriate from earned surplus and transfer to a reserve, the sum of $210,693 to provide for premiums, unamortized debt discount and expense, and capital stock expense in connection with the proposed retirement of bonds in the principal amount of $1,200,000 and 10,000 shares of $7 preferred stock described hereinafter in paragraphs (4) (b) and (4) (c).

(f) Reduce the stated value of the common stock, subject to approval by stockholders and regulatory authorities, in the amount of $2,962,400 by transfer of said amount to capital surplus.

(g) Transfer from capital surplus to earned surplus the sum of $2,962,400 to eliminate an earned surplus deficit of that amount as of January 1, 1943.

(4) In addition to making the foregoing adjustments in its accounts, Birmingham proposes to take the following steps:

(a) Cancel 1,508 shares of $7 preferred stock and 2,477 shares of $6 preferred stock now held as Treasury and Reacquired Capital Stock.

(b) Redeem at the call price and retire $1,200,000 principal amount of Birmingham's First and Refunding Mortgage Bonds, 4½'s, due 1968.

(c) Reduce the number of shares of $7 preferred stock outstanding to 37,492 shares by retiring, at not to exceed the call price, 10,000 shares of the said $7 preferred stock.

(d) Subject to the prior solution of relevant tax problems and all necessary approvals by stockholders and regulatory authorities, Birmingham proposes to amend its charter to provide in substance that if, at the time of any annual meeting of stockholders for the election of directors, dividends on the $7 and $6 preferred stock will be in default in an amount equivalent to four quarterly dividends, then at least ten days prior to such annual meeting the corporation shall notify each stockholder of such default and at such annual meeting of stockholders and at each annual meeting of stockholders held thereafter, the holders of such $7 and $6 preferred stock, voting as a single class separately from the common stock, shall be entitled (provided the holders of a majority of such preferred stock are present either personally or by proxy) to elect the smallest number of directors necessary to constitute a majority of the then authorized number of directors, the remaining directors to be elected as usual by the common stockholders: *Provided*, That if and when all dividends in default on such $7 and $6 preferred stock shall have been paid or declared (and funds set aside for the payment thereof) then the holders of such $7 and $6 preferred stock shall be divested of such special right with respect to the election of directors: *And provided* That, in any event, when the earnings (after normal and reasonable depreciation and maintenance charges) out of which dividends might lawfully be declared, accumulated from and after such annual meeting, equal or exceed accumulated and unpaid dividends, then at the next annual meeting the preferred stockholders shall be automatically divested of such special voting right.

(e) Pay to National a cash dividend of 46 cents per share on 800,000 shares of common capital stock now held by National, such dividend to aggregate $368,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on October 14, 1943 at 10:00 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such application shall be granted.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing 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 Rules of Practice of the Commission.

It is further ordered, That any person desiring to be heard at said hearing or proposing to intervene therein shall file with the Secretary of the Commission on or before October 12, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed contributions, by National, to the common stock capital of Birmingham, are in compliance with section 12 of the Act and the Rules promulgated thereunder.

(2) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and the Rules and Regulations promulgated thereunder.

(3) Whether, upon consummation of the proposed transactions, it is appropriate in the public interest to rescind or modify any or all orders of the Commission prohibiting or restricting the declaration or payment by Birmingham and the receipt by National of dividends on the common stock of Birmingham.

(4) Whether, in the event the application is granted, it is necessary to impose any terms or conditions to insure compliance with the standards of the Act.

(5) Whether the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and whether the proposed transactions constitute steps in compliance with the Order of the Commission dated August 23, 1941, issued pursuant to section 11 (b) (2) of the Act, requiring the liquidation and dissolution of National.

It is further ordered, That in the interest of expeditious procedure all evidence with respect to Birmingham Electric Company, National Power & Light Company and Electric Bond and Share Company contained in the record of the proceeding entitled "In the Matter of Electric Bond and Share Company, File No. 59-12", so far as relevant to the issues above stated, shall be incorporated in the record of the proceeding herein ordered and shall be regarded as evidence duly adduced in the present proceeding, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Birmingham Electric Company, National Power & Light Company and Electric Bond and Share Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 43-16136; Filed, October 4, 1943; 9:59 a. m.]

WAR PRODUCTION BOARD.

[Certificate 139]

CLARENCE DOWNING, ET AL. DETROIT, MICH., FLORISTS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Clarence Downing and certain others with respect to the transportation and delivery of flowers and related articles by motor vehicle in the metropolitan area of Detroit, Michigan, and certain suburbs.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; 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 such joint action plan is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 25, 1943.

[F. R. Doc. 43-16166; Filed, October 4, 1943; 11:09 a. m.]

[Certificate 140]

OPERATION OF GOVERNMENT-OWNED BARGES ON GULF COAST INLAND WATERWAYS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action with respect to the operation of Government-owned tugs and barges by private operators on Gulf Coast inland waterways.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan and the proposed agreements referred to in the Recommendation; 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 therewith is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 25, 1943.

[F. R. Doc. 43-16167; Filed, October 4, 1943; 11:10 a. m.]

[Certificate 141]

COMMON CARRIERS OF PROPERTY BETWEEN POINTS IN IOWA AND SOUTH DAKOTA

APPROVAL JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-67, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain common carriers of property by motor vehicle between points in Iowa and South Dakota.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said 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 Supplementary Order ODT 3, Revised-67, is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 25, 1943.

[F. R. Doc. 43-16168; Filed, October 4, 1943; 11:05 a. m.]

[Certificate 142]

CITY ICE CO., ET AL., PORTLAND, OREG.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by City Ice Company and certain others in the transportation and delivery of ice by motor vehicle in Portland, Oregon.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; 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 such joint action plan is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 27, 1943.

[F. R. Doc. 43-16169; Filed, October 4, 1943; 11:05 a. m.]

[Certificate 143]

LEXINGTON, KY.; RETAIL MERCHANTS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by H. C. Davis and certain others in the transportation and retail delivery of merchandise by motor vehicle in Lexington, Kentucky.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; 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 such joint action plan is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 27, 1943.

[F. R. Doc. 43-16170; Filed October 4, 1943; 11:07 a. m.]

[Certificate 144]

ABILENE, KANS., GROCERS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Broadway Market and certain others in the transportation and delivery of groceries by motor vehicle in Abilene, Kansas.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; 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 such joint action plan is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 27, 1943.

[F. R. Doc. 43-16171; Filed, October 4, 1943; 11:08 a. m.]

[Certificate 145]

ESQUIRE FLOWERS ET AL., DETROIT, MICH., FLORISTS

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Esquire Flowers and certain others in the transportation and delivery of flowers and related articles by motor vehicle in Detroit, Michigan, and certain suburbs.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; 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 such joint action plan is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 27, 1943

[F. R. Doc. 43-16172; Filed, October 4, 1943; 11:08 a.m.]

[Certificate 146]

COLLECTION AND MOVEMENT OF CERTAIN WASTE PAPER

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a plan for the cooperation of waste paper consumers in the collection and movement of certain waste paper by the War Production Board.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan; and after consultation with you, I hereby find and so certify

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[1] *Supra.*

[1] *Infra.*

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 my approval as herein expressed is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 30, 1943.

[F. R. Doc. 43-16185; Filed, October 4, 1943; 11:25 a. m.]

[Certificate 147]

RETAIL COAL DEALERS, LA CROSSE, WIS.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Anderegg Coal Company and certain others with respect to the release of railroad cars and the transportation and delivery of coal by motor vehicle in La Crosse, Wisconsin.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; 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 such joint action plan is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 30, 1943

[F. R. Doc. 43-16173; Filed, October 4, 1943, 11:05 a. m.]

[Certificate 148]

COMMON CARRIERS OF PROPERTY BETWEEN POINTS IN CALIFORNIA

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-68, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain common carriers of property between points in California.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said 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 Supplementary Order ODT 3, Revised-68, is requisite to the prosecution of the war.

CHARLES E. WILSON,
Acting Chairman.

SEPTEMBER 30, 1943.

[F. R. Doc. 43-16186; Filed, October 4, 1943; 11:25 a. m.]

PLAN FOR COLLECTION AND DISTRIBUTION OF WASTE PAPER

Shortages of wood pulp have created a greatly increased demand for waste paper, particularly in the manufacture of paper board and other material for containers. The War Production Board has established a program designed to collect and move to the consuming mills, an additional one million tons of waste paper each year. Experience in this field in the past indicates that difficulties may arise in moving waste paper in remote communities because of the high delivered cost resulting from freight rates. Temporary excesses of supply may also be encountered in areas where freight rates do not present a serious problem. To avoid these difficulties it is proposed that the consuming mills agree to purchase all waste paper generated, at least up to November 15, 1943, at OPA ceiling prices. To implement such an agreement and to assure the movement of waste paper to points of consumption and to avoid large accumulations in collection areas, the following plan is proposed, effective until November 15, 1943, or such later date to which the agreement of the consuming mills may be extended:

1. All consumers of waste paper who desire to do so will contribute a substantial sum to advertise the waste paper collection program in local papers throughout the country. In some of these advertisements telephone numbers will appear which can be called by persons wishing to dispose of their collections. In some communities this number will be one maintained by the local Salvage Committee, and in others will be a number maintained by the waste paper consumers. In either case all calls offering waste paper for sale will be referred in rotation to local dealers in waste paper; in larger communities, calls from each section of the city will be referred in rotation only to dealers who normally collect in that section.

2. One industry representative in each waste paper consuming area will be named by the consuming mills in the area to act as a point of contact in expediting the movement of any waste paper which the War Production Board may request to have moved to consumers in that area.

3. When any accumulation of waste paper fails to move in the normal way, the Salvage Division will notify the Pulp and Paper Division. The latter division will decide to what consuming area or areas the waste paper should move, and will then communicate with the industry representative in such area or areas. Such industry representative will consult with consumers in that area and will secure commitments from them to acquire such accumulation.

4. The industry representatives will report to the War Production Board the commitments which they have secured. (The purpose of this report is simply to secure assurance that the accumulation will be moved, since consumers report their consumption, receipts and inventory to the War Production Board each month on Form WPB-698.)

5. Each consumer will take the waste paper for which he has made a commitment at the applicable OPA ceiling price.

ARTHUR G. WAKELIAN,
Director, Pulp and Paper Division.
H. M. FAUST,
Director, Salvage Division.

Approved:
HAROLD BOESCHENSTEIN.

[F. R. Doc. 43-16183; Filed, October 4, 1943; 11:25 a. m.]

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[1] *Supra.*