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[SEAL]

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

[F. R. Doc. 42-7800; Filed, August 11, 1942; 10:08 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 04-15, Civil Air Regulations]

PART 04—AIRPLANE AIRWORTHINESS

WINDSHIELD CLEARING EQUIPMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 7th day of August, 1942.

Acting pursuant to sections 205 (a), 601 (a), and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 1, 1943, Part 04 of the Civil Air Regulations is amended as follows:

By adding a new paragraph (h) to § 04.530 to read as follows:

§ 04.530 *ACP Landplanes: visual-contact day flying.* * * *

(h) A means for providing, without continuous manual operation, vision through the windshield adequate for executing take-offs and landings in rain.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-7811; Filed, August 11, 1942; 11:18 a. m.]

[Amendment 21-8, Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

PERIODIC PHYSICAL EXAMINATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 7th day of August, 1942.

* 6 F.R. 4691.

Acting pursuant to sections 205 (a), 601, 602, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective August 7, 1942, Part 21 of the Civil Air Regulations is amended as follows:

By amending § 21.400 *Periodic physical examination*¹ by striking the words "6-month period immediately preceding such flight" and inserting in lieu thereof the words "preceding 6 calendar months."

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-7812; Filed, August 11, 1942; 11:18 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4525]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE RUDOLPH WURLITZER COMPANY

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of "Kordevon" pianos, (1) using the word "Kordevon", or any other word or term which simulates in spelling or phonetics the word "Cordovan", as a trade name for, or as descriptive of, any covering or finishing material for pianos which is not in fact cordovan leather; and (2) representing in any manner that the covering or finishing material used for respondent's pianos is leather, when such material is in fact other than leather; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Rudolph Wurlitzer Company, Docket 4525, August 5, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, a stipulation as to the facts entered into between the respondent through its attorney and Richard P. Whiteley, Assistant Chief Counsel for the Commission, and briefs in support of and in opposition to the complaint (oral argument having been waived), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The Rudolph Wurlitzer Company, a corporation, and its officers, agents, repre-

¹ 7 F.R. 3923.

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representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's pianos in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Kordevon", or any other word or term which simulates in spelling or phonetics the word "Cordovan", as a trade name for, or as descriptive of, any covering or finishing material for pianos which is not in fact cordovan leather.

2. Representing in any manner that the covering or finishing material used for respondent's pianos is leather, when such material is in fact other than leather.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7804; Filed, August 11, 1942;
11:15 a. m.]

[Docket No. 3357]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

EMPIRE MERCHANDISE CORPORATION, ET AL.

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions:* § 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of flashlights, jewelry, watches, chinaware and various other articles, or any other merchandise, (1) supplying, etc., others with

pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) shipping, etc., to agents or distributors, or to members of the public, pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; and (4) using the word "Free", or any other word of similar import, to designate, describe, or refer to any merchandise which is furnished as compensation for services rendered; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Empire Merchandise Corporation, et al., Docket 3357, August 4, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of August, A.D. 1942.

In the Matter of Empire Merchandise Corporation, a Corporation; and Sophie Rubman, Individually, and as an Officer of Empire Merchandise Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Empire Merchandise Corporation, a corporation, its officers, and Sophie Rubman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of flashlights, jewelry, watches, chinaware, silverware, clocks, cosmetics, cigarette lighters, bedding, and kitchenware, or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Shipping, mailing, or transporting to agents or distributors, or to members of the public, pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance; gift enterprise, or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

4. Using the word "Free", or any other word of similar import, to designate, describe, or refer to any merchandise which is furnished as compensation for services rendered.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7805; Filed, August 11, 1942;
11:15 a. m.]

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division
 [Docket No. A-1525]

PART 322—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2, for changes in freight origin group numbers and shipping points for the coals of certain mines in District No. 2 for rail shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

FOR ALL SHIPMENTS EXCEPT TRUCK

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

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group nos.]

Mine index No.	Code member	Mine name	Seam	Sub-Dist. No.	Shipping point	Railroad	Freight origin group No.	Size Group No.1												
								1	2	3	4	5	6	7	8	9				
432	Chuboy, Store	Chuboy	Pittsburgh	0	Smithton, Pa.	P&LE	73													
229	Downing, Richard, Trustee, Freeport Gas Coal Company,	Hamilton #3 (Strip)	Kitt.	1	Branchton, Pa., Harrisville, Pa.	B&LE	20	D	F	O	O	O	O	O	O	O	O	O	O	O
1365	Ligenton Coal Co., (S. R. Kelly)	Kelly	Pittsburgh	0	Wilpen, Pa., Fort Palmer, Pa.	Lig., Val.	10	D	F	O	O	O	O	O	O	O	O	O	O	O

¹No classifications and prices effective for size groups 10 to 16, inclusive.

NOTE: The above prices are applicable only via the respective Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups shown for the respective mines. Railroad Fuel Groups shown in previous schedules are hereby deleted.

§ 322.9 Special prices—(c) Railroad fuel—Supplement R-II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 432; Group No. 14: 1365; Group No. 15: 2269.

[F. R. Doc. 42-7772; Filed, August 10, 1942; 11:44 a. m.]

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief

temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-1, and § 322.9 (*Special prices—(c) Railroad fuel*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof, and commencing forthwith the Freight Origin Group Numbers and shipping points appearing in the aforesaid Supplement R-I for the mines mentioned therein are effective in place of the Freight Origin Group Numbers and shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the

DAN H. WHEELER,
 Acting Director.

[SEAL]

Dated: July 31, 1942.

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

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

Freight Origin Groups, Shipping Points, Railroads and

No petitions of intervention having been filed with the Division in the above-entitled matter; and The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-IV, § 323.8 (*Special prices—(b) Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplements R-II and R-V, § 323.8 (*Special prices—(c) Railroad fuel prices for movement via all lakes—all*

ports) is amended by adding thereto Supplements R-III and R-VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereinafter made a part hereof; Commencing forthwith, the shipping points appearing in the aforesaid Supplement R-IV for the coals of Mine Index Nos. 60, 762, 928, and 1237 are effective in place of the shipping points heretofore assigned to these mines; and commencing forthwith, the railroad and freight origin group number appearing in the aforesaid Supplement R-IV for Mine Index No. 928 are effective in place of those heretofore assigned.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1 1/4"	Lump 1 1/2" and under, egg 1 1/4" and under, bottom size	All nut and pea, 2" and under	Run of mine, resultant over 2"	1 1/4" and 2" slack	3/4" slack
					1	2	3	4	5	6	7
Baker, Fred L.....	1339	Baker No. 4.....	Pittsburgh..	Monongalia...	223	218	218	193	193	178	168
Bogges, H. C.....	1362	Colfax No. 2 (Strip).	Pittsburgh..	Marion.....	223	218	218	193	193	178	168
Columbia Coal Company c/o D. C. Setler.	1360	Columbia.....	Pittsburgh..	Harrison.....	223	218	218	193	193	178	168
Elk Lick Coal Company.	1363	Gauley #3.....	Sewell.....	Webster.....	253	248	248	223	223	213	193
Fisher, Asa E.....	1341	Fisher #1.....	Pittsburgh..	Lewis.....	223	218	218	193	193	178	168
Fisher, Asa E.....	1342	Fisher #2.....	Pittsburgh..	Lewis.....	223	218	218	193	193	178	168
Gallardi Coal Company (L. J. Lowney).	1364	Ashcraft #1 (S)	Pittsburgh..	Harrison.....	223	218	218	193	193	178	168
Gallardi Coal Company (L. J. Lowney).	1365	Ashcraft #2.....	Pittsburgh..	Harrison.....	223	218	218	193	193	178	168
Koon, Hoy L.....	1356	Koon.....	H. V. Kittanning.	Upshur.....	208	203	203	178	178	168	158
Mays, Ormas F.....	1354	Phillips Run.....	Peerless.....	Nicholas.....	253	248	248	223	223	213	193
Mitchell, F. H. (Henry Coal Company).	1358	Douglass (S)	Pittsburgh..	Marion.....	223	218	218	193	193	178	168
Silvester Brothers.....	1359	Silvester Bros. #1 (Strip).	H. V. Kittanning.	Randolph.....	208	203	203	178	178	168	158
Snider, John A.....	1344	Greathouse #1 (Strip).	Pittsburgh..	Harrison.....	223	218	218	193	193	178	168
Snider, John A.....	1357	Greathouse #2 (Strip).	Pittsburgh..	Harrison.....	223	218	218	193	193	178	168
Yoland Coal Company.	1361	Yoland #3.....	Pittsburgh..	Harrison.....	223	218	218	193	193	178	168

[F. R. Doc. 42-7769; Filed, August 10, 1942; 11:43 a. m.]

[Docket No. A-1544]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief

in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (Low volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: July 31, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

Notes: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

(Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown)

Mine index No.	Code member	Mine name	Sub-Dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.										
								1	2	3	4	5	6	7	8	9	10	
503	Stewart Coal Co. (Mrs. Katherine Stewart)	Stewart	4	Edge	Bandy, Va.	N & W	20	B	(f)	(f)	(f)	(f)	B	B	D	(f)	O	(f)

†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine	Mine index No.	Sub-district No.	County	Seam	All lump or larger, all grades above						All size or smaller, 1/4" top						
						1	2	3	4	5	6	7	8	9	10	11	12	13	14
Golden, Harvey Stewart Coal Co. (Mrs. Katherine Stewart)	Golden Stewart	312 253	1 4	Greenbrier Tazewell	Eswell Edge	220 315	220 315	230 315	215 315	155 165	165 165	165 165	165 165	165 165	165 165	165 165	165 165	165 165

†When shown under a size group number, this symbol indicates coals previously classified in this size group. (E. R. Dec. 42-7776; Filed, August 10, 1942; 11:45 a. m.)

[Docket No. A-1530]
PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

Commencing forthwith, the shipping points appearing in the aforesaid Supplements R-I and R-II for the coals of Mine Index Nos. 716, 931, 2308, 3663 and 5530 are effective in place of those heretofore established for these mines, and commencing forthwith, the railroads and freight origin group numbers appearing in the aforesaid Supplement R-I for the coals of Mine Index Nos. 716 and 2308 are effective in place of those heretofore assigned.

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

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

Dated: July 31, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:
It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:
Commencing forthwith, § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 328.31 (Alphabetical list of code members) is amended by adding thereto Supplement R-II, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

§ 328.21 Alphabetical list of code members—Supplement R-II

(Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown)

Mino index No.	Code member	Mino name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.												
								1	2	3	4	5	6	7	8	9	10			
6121	Ball, Albert (Ball Coal Co.)	Ball Mino	0	Cary	Doran, Va.	N&W	21	0	0	0	0	0	0	0	0	0	0	0	0	0
6122	Smith Bros. Coal Co. (Wallace M. Smith)	Smith Bros. C. Co. No. 1.	0	Raven	Doran, Va.	N&W	21	0	0	0	0	0	0	0	0	0	0	0	0	0

0 Denotes new shipping point. Shipping Point at Raven, Va., shall no longer be applicable.

* Indicates previously classified these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index	Mino	Mino index No.	Code member index	Mino	Mino index No.	Seam	Baco sizes														
							Lump 4" x 6" egg	Lump 3" x 6"	Lump 2" and under	Lump 3" and under	Lump 4" x 6" egg	Store 3" and under	Store 2" and under	Store 3" and under	Store 2" and under	Store 3" and under	Store 2" and under				
Subdistrict No. 1—BIG SANDY-LEXINGTON			Subdistrict No. 6—SOUTHERN APPALACHIAN																		
Carter, Clarence	Creech	6522	No. 7				235	215	210	220	230	230	230	230	230	230	230	230	230	230	230
Church & Church (George Church)	Church	6520	McHenry				235	215	210	220	230	230	230	230	230	230	230	230	230	230	230
Jones, Hayes (Jones Elkhorn Coal Company)	Yes	6541	Elkhorn No. 3				275	255	250	220	220	220	220	220	220	220	220	220	220	220	220
Subdistrict No. 2—HARLAN			Subdistrict No. 7—VAIR																		
Harlan, O. B.	Hill Crest	6914	"A"				270	250	222	230	210	212	212	212	212	212	212	212	212	212	212
Wolfe, S. G.	Miller	6650	No. 4				235	215	210	220	230	230	230	230	230	230	230	230	230	230	230
Reedy, Wilford	Reedy	6632	Coalburg				245	225	210	195	160	200	145	140							
Whittington, L. S.		6503	Pittsburgh No. 8				235	215	220	230	203	230	135	130							

* Indicates change in mine name.

* Indicates previously classified these size groups.

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2', egg 4' x 6'	Lump 2' and under, egg 3' x 6'	Lump 3/4" and under	Egg 2' x 4', egg 2' x 5'	Stove 3/4" and under, nut 2' and under	Straight mine run	2' and under slack	3/4" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 7—VIRGINIA —Continued											
WISE COUNTY, VA.											
Clay, G. G.	G. G. Clay Coal Co.	5618	Widow Kennedy	275	255	220	240	225	210	155	150
Hubbard, J. K.	Hubbard Coal Co.	5608	Norton	265	245	220	220	215	210	155	150
Johnson, A. A.	A. A. Johnson	5606	Widow Kennedy	275	255	220	240	225	210	155	150
Owens, J. A.	Owen Coal Co.	5598	Kelley	265	245	220	220	215	210	155	150
Sargent, W. M.	W. M. Sargent Coal Co.	5589	Clintonwood	265	245	220	220	215	210	155	150
SUBDISTRICT No. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Lowe, Walker.	Lowe	5607	Pond Creek	245	225	225	210	200	215	160	155
MINGO COUNTY, W. VA.											
Cline, Quintin & Sibert Cline	Pond Creek	5419	Pond Creek	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

* Indicates change in mine name.
* Indicates previously classified these size groups.

[F. R. Doc. 42-7773; Filed, August 10, 1942; 11:45 a. m.]

[Docket No. A-1523]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT No. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (General prices) is amended by adding thereto Supplement R-1, § 333.7 (a) (Special prices—Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-II, § 333.24 (General prices) is amended by adding thereto Supplement R-IV, § 333.25 (Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses) is amended by adding thereto Supplement R-V, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement

T-I, and § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplements T-II and T-III, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

No relief is granted herein as to the coals of the Wilburn Smith Nos. 1, 2 and 3 Mines of Wilburn Smith, or as to the Twin Arrow Mine of Fondren & Guthrie, for the reason that the Division has received no code acceptances from these producers.

No relief is granted herein as to the coals of the Loyd Mine (Mine Index No. 1471) of Luther P. Dodd for truck shipments for the reasons that such relief has already been granted this mine in Docket No. A-1330, when it was operated by Elbert Loyd.

Price classifications and minimum prices for Mine Index Nos. 713, 1348, 1430, 1504, 844 and 178 in Marion County, Tennessee, and for Mine Index Nos. 1542, 1222, 181, 738, 1406, 830, 1493, 116, 26 and 831 in Dade County, Georgia, for all shipments except truck into Market Area No. 112 have been established 2 cents higher than the price classifications and minimum prices proposed for these mines for such shipment in the original petition for the reason that records of the Division indicate that the freight rate for shipments from Mine Index No. 95, which mine's prices are used as base prices, have been increased 5 cents per net ton into Market Area No. 112, while the freight rates for such shipments from the mines listed above have been increased only 3 cents per net ton.

Dated: July 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

§ 333.6 General prices—Supplement R-I—Continued

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
WALKER COUNTY, ALA.—Continued					
1631	Keeton, W. H.	W. H. Keeton ¹⁰	1	Mary Lee	101
1632	Lockhart, W. H.	Lockhart ¹¹	1	Mary Lee	100
1633	Kelley & Leonard (Joe Kelley)	Kelley & Leonard ¹² (Strip)	1	Jasper	110
1634	Kelley & Leonard (Leo Kelley)	Kelley & Leonard ¹³ (Strip)	1	Jasper	110
1635	Rico Preston	Rico ¹⁴	1	Black Creek	80
1636	W. A. Robb	Robb ¹⁵	1	Black Creek	80
1637	Robbins, Mack	Robbins Coal Co. ¹⁶	1	Black Creek	80
WINSTON COUNTY, ALA.					
1638	Forris, F. L.	Reeves ¹⁷	1	Black Creek	111
1639	Dodd, Luther P.	Loyd ¹⁸	1	Black Creek	111

¹⁰ Shipping Point: Carbon Hill, Ala. Railroad: SL-SF. This mine shall have in size group 13 on each respective price table a price which is 10¢ less than that shown in size group 12 on such table for Mine Index No. 31 (Stillb Coal Company, A. H. H. Shaft mine, Price Schedule No. 1).

¹¹ Shipping Point: Jasper, Ala. Railroad: So. Ry. The prices published as from the Black Creek seam in Docket No. A-840 for size groups 17 and 18, for Railroad Locomotive Fuel and for Steamship Vessel Fuel, for shipment from Drummond, Alabama, and Freight Origin Group 80 shall no longer be applicable.

¹² Shipping Point: Prospect, Ala. Railroad: So. Ry. These mines shall have in Size Groups 1 and 2, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 33 (Galloway Coal Company, Holly Grove mine, Price Schedule No. 1); and in Size Groups 7, 13, 19, 22, and 23, on each such table these mines shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 14, 17, and 18, for said Mine Index No. 33.

¹³ Shipping Point: Drummond, Ala. Railroad: SL-SF. These mines shall have in size groups 2 and 4, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 22 (Dobardet Coal Company, Holly Grove mine, Price Schedule No. 1).

¹⁴ Shipping Point: Holly Grove mine, Price Schedule No. 1. Drummond, Ala. Railroad: So. Ry. These mines shall have in size groups 1, 2, 4, 6, and 8, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 22 (Dobardet Coal Company, Holly Grove mine, Price Schedule No. 1).

¹⁵ Shipping Point: Shipping points at Resemary, Ala., and Summit, Ala., shall no longer be applicable. Railroad: SL-SF.

¹⁶ This mine shall have in Size Groups 1, 2, 4, 6, and 23, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 22 (Dobardet Coal Company, Holly Grove mine, Price Schedule No. 1); and in Size Groups 7 and 23 on each such table this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6 and 13 for said Mine Index No. 22.

¹⁷ This mine shall have in Size Group 13 on each respective price table a price which is 10¢ higher than that listed therein in this size group for Mine Index No. 14 (Galloway Coal Company, Holly mine, Price Schedule No. 1); and in Size Group 12 on each such table this mine shall have a price which is 10¢ higher than that established herein in Size Group 13 for Mine Index No. 63.

¹⁸ Shipping Point: Natural Bridge, Ala. Railroad: So. Ry. This mine shall have in size groups 1, 2, 4, 13, and 19, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 14 (Galloway Coal Company, Holly mine, Price Schedule No. 1); and in size groups 7, 22, and 23, on each such table this mine shall respectively have a price which is 10¢ less than that listed in size groups 6, 17, and 18, respectively, for said Mine Index No. 14; and in size groups 20 and 21 on each such table this mine shall have the same price as is established herein for Mine Index No. 14 in size group 19.

¹⁹ Shipping Point: Lynn, Ala. Railroad: So. Ry. This mine shall have in size groups 1, 2, 4, 13, and 19, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 14 (Galloway Coal Company, Holly mine, Price Schedule No. 1); and in size groups 7, 22, and 23, on each such table this mine shall respectively have a price which is 10¢ less than that listed in size groups 6, 17, and 18, respectively, for said Mine Index No. 14.

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

Prices for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station locating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply. For all mines in sub-district No. 1, for all sizes customarily furnished railroads for locomotive fuel

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
CENTRAL OF GEORGIA					
1635, 1637, 1457, 1471, 1478, 1479, 1531, 1535, 1539, 1624, 1630	Central of Georgia	Seaboard Air Line Ry.	220	220	220
ST. LOUIS & SAN FRANCISCO R. R. FOR CONSIGNMENT WEST OF THE MISSISSIPPI RIVER					
220	St. Louis & San Francisco R. R. for consignment west of the Mississippi River	St. Louis & San Francisco R. R. for consignment west of the Mississippi River	220	220	220

¹ Prices listed for Central of Georgia and Seaboard Air Line Railroads shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 General prices—Supplement R-I

[Prices for O. B. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
BIBB COUNTY, ALA.					
1629	Cooke & Gray (J. M. Gray)	Cooke & Gray ¹ (strip)	1	Thompson	100
1633	Cooke & Gray (J. M. Gray)	Cooke & Gray ¹ (dcep)	1	Thompson	100
BLOUNT COUNTY, ALA.					
165	Perrin & Horsley (W. E. Horsley)	Rock Creek ²	1	Inland	31
MAHON COUNTY, ALA.					
537	Rovell, A. B.	Gold Eagle ³	1	Black Creek	111
1478	Sims, H. P.	O'Mary ⁴	1	Black Creek	60
1479	Sims, H. P.	O'Mary ⁴	1	Black Creek	60
1123	Sims & Powell (Sam Sims)	Wates & Sims ⁵	1	Black Creek	60
SHELBY COUNTY, ALA.					
1638	Paramount Coal Company	Paramount ⁶	1	Helen	31
TUSCALOOSA COUNTY, ALA.					
510	Abston, C. L.	O. L. Abston ⁷	1	Muldalo	44
WALKER COUNTY, ALA.					
1457	Carmichael, T. L.	Tower ⁸	1	Mary Lee	80
630	Headrick, W. P.	Headrick Coal Co. ⁹	1	Black Creek	80

¹ Shipping Point: Belle Ellen, Ala. Railroad: L&N. These mines shall have in size group 13 on each respective price table the same price as are shown thereon for that size group as shipped from Mine Index No. 4 (Little Columbia Coal Company, West mine, Price Schedule No. 1).

² Shipping Point: Inland, Ala. Railroad: L&N. This mine shall have in size group 1 on each respective price table the same price as are shown thereon for that size group as shipped from Mine Index No. 33 (Galloway Coal Company, Holly Grove mine, Price Schedule No. 1); and in size groups 7, 13, 19, and 23, on each such table this mine shall have prices which are 10¢ less than those respectively listed in size groups 6, 10, 12, and 18, for Mine Index No. 31 (Stillb Coal Company, Adridge Shaft mine, Price Schedule No. 1).

³ Shipping Point: Glen Mary, Ala. Railroad: So. Ry. This mine shall have in size groups 1, 2, 4, 6, and 11, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 20 (Bridges Coal Co., Inc., Bridge mine, Price Schedule No. 1); and in size groups 13, 19, and 23, on each such table, the same prices as are provided for in the revision of prices for said Mine Index No. 20 in Docket No. A-853.

⁴ Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. These mines shall have in size groups 1, 2, 4, 6, and 13, on each respective price table, the same price as are listed in these respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1).

⁵ Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. This mine shall have in size groups 1, 2, 4, 6, 11, and 13, on each respective price table, the same price as are listed in these respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1).

⁶ Shipping Point: Paramount, Ala. Railroad: L&N. This mine shall have in size groups 1, 2, 4, 6, 12, 14, 15, 16, 17, 18, and 24, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 23 (Paramount Coal Company, Paramount⁶ mine, Price Schedule No. 1).

⁷ Shipping Point: Travilla, Ala. Railroad: L&N. This mine shall have in size groups 1 and 3 on each respective price table the same price as are listed in these respective size groups for Mine Index No. 17 (Southern Coal & Coke Company, Bechtin mine, Price Schedule No. 1); and this mine shall have in size group 7 this mine shall have on each respective price table the same price as is listed in size group 6 for Mine Index No. 14 (Galloway Coal Company, Holly mine, Price Schedule No. 1).

⁸ Shipping Point: Doon, Ala. Railroad: L&N. This mine shall have in size groups 1, 2, 4, 6, 12, 14, 15, 16, 17, 18, and 24, on each respective price table the same price as are listed in these respective size groups for Mine Index No. 23 (Paramount Coal Company, Paramount⁶ mine, Price Schedule No. 1).

⁹ Shipping Point: Drummond, Ala. Railroad: SL-SF. This mine shall have in size group 13 on each respective price table a price which is 10¢ less than that shown in size group 12 on such table for Mine Index No. 31 (Stillb Coal Company, A. H. H. Shaft mine, Price Schedule No. 1).

¹⁰ Shipping Point: Shipping points at Resemary, Ala., and Summit, Ala., shall no longer be applicable.

¹¹ This mine shall have in size group 21 on each respective price table a price which is 10¢ less than that shown in size group 19 for Mine Index No. 23 (Dobardet Coal Corporation, Empire mine, Price Schedule No. 1).

§ 333.24 General prices—Supplement R-IV—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
DADE COUNTY, GEORGIA					
1642	Avery, Claude H.	Avery No. 1 ¹	3	Etna	100
1222	Bailey, George W.	Bailey ¹	3	Etna	100
181	Bredlove, Bill	Raines ¹	3	Etna	100
738	Holland & Wallace	Murphy ¹	3	Etna	100
1406	Jenkins, W. R.	Jenkins, No. 2 ¹	3	Etna	100
830	Knight & Jackson	Pat O'Brien ¹	3	Etna	100
1403	Murphy, George	Murphy ¹	3	Etna	100
116	Prince, H. B.	Prince ¹	3	Etna	100
26	Ringer, B. F.	Ringer ¹	3	Etna	100
831	Sanders, Lawrence	Lawrence Sanders ¹	3	Etna	100

¹ Shipping Point: Ladds, Tenn. Railroad: NO & St. L.
² Shipping Point: Whiteside, Tenn. Railroad: NO & St. L.

Note: Each of the above 10 mines shall have in Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, and 15, on each respective price table except that for Market Area No. 112, the same price in each of these respective size groups as is listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1); and in Size Groups 10, 11, 12, and 14, on each such table and in each of said size groups a price which is 10¢ higher than that shown for said Mine Index No. 95; and in Size Group 13 on each such table each of these mines shall have a price which is 5¢ higher than is listed in this size group for said Mine Index No. 95. In the price table for Market Area No. 112 each of these mines shall have in Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, and 15, a price which is 48¢ higher in each of these size groups than is respectively listed in these size groups for said Mine Index No. 95; and in Size Groups 10, 11, 12, and 14, a price which is 53¢ higher than that respectively listed for said Mine Index No. 95; and in Size Group 13 a price which is 53¢ higher than is listed in this size group for said Mine Index No. 95.

§ 333.25 Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses—Supplement R-V

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
For mines in subdistrict No. 3					
26, 118, 178, 181, 713, 738, 830, 831, 844, 1222, 1348, 1406, 1430, 1493, 1604, 1642.	For all sizes except screenings.----- Screenings with top size not more than 2".				
225	Price				
216	Price				

Prices F. O. B. mines for shipment to all railroads for locomotive fuel, station heating, power plants, and other uses.

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel subject to price sold for steamship vessel fuel—Supplement R-III

[Prices F. O. B. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
Size groups and prices applicable for steamship vessel fuel					
Mino group					
1630	Black Creek	Black Creek	14, 15, 16, 17, 18	12	13
1478, 1479	Black Creek	Black Creek	285	285	275
1599, 1623	Carabbs	Carabbs	210	270	270
1567, 1624	Carroll Hill Big Seam	Carroll Hill Big Seam	216	270	270

§ 333.24 General prices—Supplement R-IV

[Prices F. O. B. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
MARION COUNTY, TENN.					
713	Etna Coal & Coke Company, Inc.	Etna No. 2 ¹	3	Etna	100
1245	Stansbury, Frank	Stansbury ¹	3	Etna & No. 7	100
1230	Stansbury, Frank	Frank Marders ¹	3	Etna	100
1604	Stansbury, Frank	Stansbury No. 2 ¹	3	Etna No. 3	100
594	Westmoreland & Manning (Morris Westmoreland)	Jenkins ¹	3	Etna	100
1478	Williams, George (see *NOTE)	OMW ¹	3	Etna	100
SEQUATCHIE COUNTY, TENN.					
1802	Sunshine Coal & Coke Co. c/o Moe B. Frazier	Elbert Treat ¹	3	Sewanee	160

¹ Shipping Point: Ladds, Tenn. Railroad: NO & St. L.

² In Docket No. A-1049, Supplement T, the listing of Mine Index No. 178 showed it as located in Dade County, Georgia, but in the petition in Docket No. A-1429 this was corrected by District Court for District No. 13 to show the correct location as Marion County, Tennessee. No revision of prices for Truck Shipments is required.
³ Shipping Point: Daus, Tenn. Railroad: NO & St. L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 93 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1).

Note: Each of the above 6 mines shall have in Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, and 15, on each respective price table except that for Market Area No. 112, the same price in each of these respective size groups as is listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1); and in Size Groups 10, 11, 12, and 14, on each such table and in each of said size groups a price which is 10¢ higher than that shown for said Mine Index No. 95; and in Size Group 13 on each such table each of these mines shall have a price which is 5¢ higher than is listed in this size group for said Mine Index No. 95. In the price table for Market Area No. 112 each of these mines shall have in Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, and 15, a price which is 48¢ higher in each of these size groups than is respectively listed in these size groups for said Mine Index No. 95; and in Size Groups 10, 11, 12, and 14, a price which is 53¢ higher than that respectively listed for said Mine Index No. 95; and in Size Group 13 a price which is 53¢ higher than is listed in this size group for said Mine Index No. 95.

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-1
FOR TRUCK SHIPMENTS

Code number index and name	Mino	Mino index No.	Sub-district	Seam	Lump, top size over 2 1/2' and under 3'	Egg, top size 1 1/2' and under 2'	Lump, top size 2' and under 3'	Nut, top size 3/4' and under 1 1/2'		Chestnut, top size 3/4' and under 1 1/2'		Chestnut, top size 1 1/2' and under 2'		Run of mine, top size 1 1/2' and under 2'		Results, 3" and under		Screenings, 1 1/2" and under		Indus-trial coal		
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw			
ALABAMA																						
BIBB COUNTY																						
Cooke & Gray (J. M. Gray)		1639	2	Thompson	340	305	340	315	315	300	300	275	275	275	275	275	275	275	275	275	275	275
Cooke & Gray (J. M. Gray)		1623	2	Thompson	340	305	340	315	315	300	300	275	275	275	275	275	275	275	275	275	275	275
BLOUNT COUNTY																						
Cannon & Hampton (Dewey Cannon)		1641	2	Black Creek	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Murphy, Pierzon, & Walker Coal Co.		1633	2	(?) a stray seam with Black Creek characteristics.	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Reno, F. N.		1660	2	Black Creek	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
JEFFERSON COUNTY																						
Franklin, W. M.		1622	2	Pratt	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Sidner, Audcher		1600	2	L. Nunnally	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
MARION COUNTY																						
Powell, W. A.		1650	2	Black Creek	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
SHELBY COUNTY																						
Johnson, Kathleen (Mrs.) (Kathleen Coal Co.)		1633	2	Wedgeworth	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Murphy, P. E.		1627	2	Hickman	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Paramount Coal Company		1633	2	Hickman	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
TUSCALOOSA COUNTY																						
Kirzlah, William N.		1223	2	Breakwood	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
WALKER COUNTY																						
Kelley & Lenard (Joe Kelley)		1627	2	Jacker	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Kelley & Lenard (Joe Kelley)		1624	2	Jacker	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285
Wilson & Tanner (J. S. Wilson) District No. A-1623		1633	2	Mary Lee	340	345	340	325	325	300	300	285	285	285	285	285	285	285	285	285	285	285

1 Mino Index No. 669 previously assigned in District No. A-631 shall no longer be applicable.

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I—Continued

Code member index and name	Mine	Mine index No.	Sub-district	Seam	Lump, top size over 2", egg size over 9"	Egg, top size 9" and under	Lump, 2" and under	Nut, top size 3" and under; bottom size over 2"		Chestnut, top size 3" and under; bottom size 1/2" and under		Chestnut top size 1 1/2" and under; bottom size 3/4" and under		Run of mine, modified R/M		Residuals, 3" and under		Screens, 1 1/2" and under		Industrial coal		
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw			
ALABAMA																						
WINSTON COUNTY																						
Farris, F. L.	Reeves	1630	2	Black Creek	335	335	360	335	315	315	305	310	300	290	275	205	275	205	225	235	230	

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Top size 2" and under	Egg: Top size 6" and under	Lump: Top size 8", Egg: Top size over 8"	Nut: Top size 2" and under; bottom size 1" and under	Stoker: Top size 1 1/2" and under; bottom size 1/2" and under	Stoker: Top size 3/4" and under; bottom size 3/8" and under	Straight and modified M/R	Residuals: 6" and under	Residuals: 4" and under	Screens: 2" and under	Screens: 1 1/2" and under	Screens: 1 1/4" and under	Screens: 3/4" and under	Screens: 3/8" and under	Industrial coal		
																				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																					
HAMILTON COUNTY, TENN.																					
Luttitt & Johnson (Marvin Johnson)	Luttitt & Johnson	1665	4	Soddy #12	305	305	305	250	240	220	225	225	225	225	205	195	100	165	230	260	
MARION COUNTY, TENN.																					
Layne, Amos	Dykes Hollow	1640	4	Sewanee	315	315	305	260	260	245	235	235	235	205	205	205	200	165	260	260	
SEQUACHE COUNTY, TENN.																					
Market Street Coal Company (R. L. Stulce)	Kcener	1659	4	Sewanee	315	315	305	260	260	245	235	235	235	205	205	205	200	165	260	260	
Sunshine Coal & Coke Co. (J. Moe H. Flanagan)		1602	4	Sewanee	315	315	305	260	260	246	235	235	235	205	205	205	200	165	260	260	
DADE COUNTY, GEORGIA																					
Mouis, Sam	Morris #1	1664	4	Etna	315	315	305	260	260	245	235	235	235	205	205	205	200	175	260	260	

*For sizes included see Size Group Table § 333.42.

FOR TRUCK SHIPMENTS

§ 333.43 General prices in cents per net ton for shipment into all market areas—
Supplement T-III

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mino Index No.	Subdistrict	Scam	Bases							
					Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 2" and under	EBB 2" x 4", egg	Stone 2" and under, nut 2" and under	Straight mine run	2" and under black	2" and under black
					1	2	3	4	5	6	7	8
TENNESSEE WHITE COUNTY Beam, Sam.....	Sam Beam.....	1630	4	Bon Air.....	259	230	235	210	185	105	135	120

[F. R. Doc. 42-7770; Filed, August 10, 1942; 11:43 a. m.]

PART 335—MINIMUM PRICE SCHEDULE,
DISTRICT No. 15

ORDER ON PETITION FOR PRICE REVISION

Findings of fact, conclusions of law, memorandum opinion and order of the Acting Director in the matter of the petition of District Board No. 15 for revision of the effective minimum prices for certain coals produced in District No. 15.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on June 9, 1942, by District Board No. 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests increases in the prices published in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck applicable to code member's mines in Production Groups Nos. 1, 2, 4, 5, 10, and 11, District 15, for shipment to Market Area No. 75 (Kansas City), and in Production Group No. 4, District 15, for shipment into Market Area No. 78 (St. Joseph, Missouri, etc.).

Pursuant to Order of June 18, 1942, and after due notice to all interested persons, a hearing was held on July 8, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All

interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner and Bituminous Coal Consumers' Council appeared at the hearing. The preparation and filing of a Report by the Examiner were waived, and the record was thereupon submitted to the Acting Director.

This proceeding involves the adjustment of certain effective minimum prices in District 15 to conform to freight rate changes. On March 18, 1942, freight rate advances became effective (I.C.C. Ex Parte No. 148) on lump coal and fine coal produced in Production Groups Nos. 1, 2, 4, and 5 when for shipment to Market Area 75 (Greater Kansas City), and in Production Groups Nos. 3 and 4 when for shipment to Market Area 78 (St. Joseph, Missouri, etc.). Where the freight rate was one dollar or less the increase is 3 cents, and where the freight rate was more than one dollar the increase is 5 cents per net ton.

A Market Area 75. A tabulation showing the freight rates formerly existing and those in effect following the increase and showing the amount of the increase applicable to the sizes of coal from the production groups involved when for shipment to Market Area 75, is as follows:

	From production groups Nos.—							
	1		2		4		5	
	Lump	Fine	Lump	Fine	Lump	Fine	Lump	Fine
Formerly.....	175	135	132	115	85 (a)	73	85	73
As increased.....	180	140	137	120	88 (a)	76	88	76
Amount of increase.....	5	5	5	5	3	3	3	3

(a) 1 1/4" round hole screenings from which no coal has been removed (Size Groups 13 and 14).

Established minimum prices for coals produced in District 15 are predicated upon delivered differentials arrived at by relating the coals to one or more particu-

lar production group as a base group. For shipment to Market Area 75, Production Group No. 1 is the base. When freight rate changes are uniform, the de-

livered differentials are not disturbed. On the other hand, if there is a lack of uniformity in freight rate changes there results a disruption of the delivered differentials and consequently the coordination, measured by the differences in freight rate changes as between the base production group and the production groups related to the base.

In the case of Market Area 75, the base production group was increased 5 cents when Production Groups 4 and 5 and Size Groups 13 and 14 in Production Group 2 were increased 3 cents per net ton, a difference of 2 cents per net ton. Translated to the prices, this 2 cents difference in freight rate disrupts the coordination in Market Area 75 by from 1 to 3 cents per net ton. The variation which results in the translation of the freight rate change to the prices arises out of the method of determining prices in District 15. Thus the evidence shows that coals in Size Groups 11, 12, and 13 for domestic and commercial use, and Size Groups 12 and 13 for industrial use, produced in Production Group 1, for shipment to Market Area 75 should be increased 1 cent per net ton. This is due to delivered relationships and the application of the percentage which determines differentials. In this instance the price schedule provides that the delivered price for Size Group 13 shall be 10 per cent over the delivered price of Size Group 14. Since the delivered price includes the freight rate, the 10 per cent operates upon the freight rate also, and increasing the latter increases the delivered price and 10 per cent of that price. The application of this formula here results in a difference of 5 mills by which the prices would be increased.

The petitioner requested that the 5 mills be converted to 1 cent and that the prices be so increased. Bituminous Coal Consumers' Council filed a brief in opposition to the requested 1 cent increase, contending that if the one-half cent is dropped, the delivered differential will be as close to 10 percent as it will be if 1 cent is added, which, as simple mathematics, is true. Consumers' Council further objected to the principle whereby in all cases the one-half cent is rounded out to 1 cent, contending that to do so does not comport with the statistical rule.

§318.12 (a) (1) in the Marketing Rules and Regulations, provides:

(1) If, in converting a net or gross ton price, freight rate or freight rate differential, the calculation extends to more than two (2) decimals, and the third decimal is .005 or more, it shall be added as .01, and if under .005, it shall be eliminated.

Under the foregoing rule the prices should be increased by 1 cent.

In the case of Size Groups 11, 12, 13, and 14 for domestic and commercial use, and Size Groups 12, 13, and 14 for industrial use in Production Group 2, and Size Groups 1-3, 10, and 14 for domestic and commercial use and Size Group 14 for industrial use in Production Groups 4 and 5, the evidence shows that the effective minimum prices should be increased 2

temporary relief is granted as follows: Commencing forthwith, § 343.4 (Code member price index) is amended by adding thereto Supplement R-I, § 343.5 (General prices; minimum prices for shipment via rail transportation) is amended by adding thereto Supplement R-II, § 343.21 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: July 31, 1942.
[SEAL] DAN H. WHEELER,
Acting Director.

[Docket No. A-1539]
PART 343—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 23

ORDER GRANTING RELIEF FOR ATLAS MINE

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Atlas Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Atlas Mine (Mine Index No. 170) in District No. 23; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act,
It is ordered, That, pending final disposition of the above-entitled matter,

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 23:

§ 343.4 Code member price index—Supplement R-I. Insert the following listing in proper alphabetical order:

Producer	Mine index No.	County	Shipping point	Sub-district price group	Railroad	Prices	
						F. O. G. No.	Truck
Atlas Coal Mines, Inc. c/o Robert Knight.	170	Lewis...	Morton...	"G"...	CMSR&P----	48	\$343.5 \$343.21

should be increased 2 cents per net ton for shipment to Market Area No. 78. The evidence shows that such increases are necessary to restore the proper coordination of the prices of the coals in question.

There was no opposition to the relief requested. I find and conclude, therefore, that the increases in prices set out above should be made and that the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck should be amended accordingly.

I further find and conclude that such revision effectuates the purposes of sections 4 II (a) and (b) of the Act and complies with the standards thereof.

Now, therefore, it is ordered, That § 335.7 (General prices; domestic, commercial and industrial coal schedule) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: July 29, 1942.
[SEAL] DAN H. WHEELER,
Acting Director.

DOMESTIC, COMMERCIAL AND INDUSTRIAL COAL SCHEDULE—PART 1

Note: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

§ 335.7 General prices; domestic, commercial and industrial coal schedule—Supplement R

[Minimum prices f. o. b. mine for coal shipped by rail to Market Area No. 78, St. Joseph, Missouri, and Switching Limits, and including the St. Joseph Water Works. Following prices on Sizes 1 to 16, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 7 cents per ton. Subject to Price Instructions and Exceptions, § 335.1]

Prod. Group No.	Domestic and commercial											Industrial				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Reg. lump	Lump	Turn. or egg	Reg nut	Reg. nut	Std. nut	#2 nut	Ch. nut	M/R	Nut run	Spec. stck.	Raw P. P. sgs.	Washd. sgs.	Raw sgs.	Raw sgs.	Raw dust
4	274	274	274	274	250	244	220	214	274	204	204	189	174	162	141	112
1	289	289	289	289	250	244	214	214	274	202	202	187	187	162	152	132
2	287	287	287	287	250	244	214	214	274	203	203	187	187	162	152	132
3	287	287	287	287	250	244	214	214	274	203	203	187	187	162	152	132
4	289	289	289	289	250	244	214	214	274	203	203	187	187	162	152	132
5	287	287	287	287	250	244	214	214	274	203	203	187	187	162	152	132
6	287	287	287	287	250	244	214	214	274	203	203	187	187	162	152	132
7	287	287	287	287	250	244	214	214	274	203	203	187	187	162	152	132
8	289	289	289	289	250	244	214	214	274	203	203	187	187	162	152	132
10	89	89	89	89	89	89	89	89	89	89	89	89	89	89	89	89
11	89	89	89	89	89	89	89	89	89	89	89	89	89	89	89	89

*No change requested.

[F. R. Doc. 42-7776; Filed, August 10, 1942; 11:46 a. m.]

§ 343.5 General prices: Minimum prices for shipment via rail transportation—
Supplement R-II

[Minimum F.O.B. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Insert under Subdistrict "G" Cumberland, the Atlas Coal Mines, Inc., Atlas Mine, Seam No. 1, (Mine Index No. 170) and the following prices: *Subdistrict "G" Cumberland, Atlas Coal Mines, Inc., c/o Robert Knight, Atlas Mine, Mine Index No. 170.*

Market areas	Size groups																
	2	3	4	5	6	7	8	9	10	11	12	14	16	19	21	23	24
238.....	430	430	425	425	425	425	425	425	375	375	375	325	325	325	325	315	175
243.....	395	395	425	425	425	425	425	375	375	375	325	325	325	325	315	175	
247.....	465	440	425	425	425	425	425	375	375	375	325	325	325	325	315	175	
All other market areas.....	465	465	425	425	425	425	425	375	375	375	325	325	325	325	315	175	

§ 343.21 General prices—Supplement T

Insert under Subdistrict "G" Cumberland in proper alphabetical order the following Code Member name, mine name, county and prices for transportation via truck to all Market Areas: *Subdistrict "G" Cumberland, Atlas Coal Mines, Inc., c/o Robert Knight.*

TRUCK SHIPMENT

	Size groups																
	2	3	4	5	6	7	8	9	10	11	12	14	16	19	21	23	24
Atlas Mine, Lewis County.....	460	460	460	450	450	460	460	460	460	375	375	325	325	375	375	340	370

[F. R. Doc. 42-7774; Filed, August 10, 1942; 11:45 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

Chapter I—Monetary Offices

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII

[Amendment 2 to Currency Regulations]

JULY 29, 1942.

The Regulations Relating to Currency, as amended, are hereby further amended by substituting the date August 15, 1942, for the date August 1, 1942, in § 133.1 (b), (c) and (d) of such regulations.

CHARLES M. HITE,
Acting Governor of Hawaii.

[F. R. Doc. 42-7778; Filed, August 10, 1942; 4:29 p. m.]

PART 134—GENERAL LICENSES UNDER CURRENCY REGULATIONS OF THE GOVERNOR OF HAWAII

[General License HC-4]

JULY 23, 1942.

§ 134.4 General License HC-4. (a) A general license is hereby granted authorizing the master of any ship which calls at any port within the Territory of Hawaii:

(1) To bring United States currency of other than Hawaiian Series into the Territory of Hawaii; and

17 F.R. 5114, 5808, 5900.

rency except to deposit or exchange it, as herein required.

(c) Any agent or other representative within the Territory of Hawaii of any steamship line is licensed to effect the currency exchanges authorized in paragraphs (a) (2) and (b) (1) of this general license, and to receive and hold a supply of United States currency of other than Hawaiian Series sufficient for that purpose.

(d) Any designated agency is authorized to receive United States currency, Hawaiian Series, for deposit or exchange, as provided in paragraph (b) (2), above. Such currency may be paid or issued to the master of any ship about to depart from the continental United States for the Territory of Hawaii, or may be returned to the Territory of Hawaii in some other manner, but such currency shall not be otherwise disposed of, transferred or dealt in except pursuant to a special license which may be issued upon application to the Office of the Governor of Hawaii.

(e) Every agent or other representative within the Territory of Hawaii of any steamship line holding United States currency of other than Hawaiian Series pursuant to paragraph (c) of this general license and every designated agency holding United States currency, Hawaiian Series, pursuant to paragraph (d) of this general license shall report in writing to the Office of the Governor of Hawaii at the beginning of each month the amount of currency so held on the last day of the preceding month.

(f) The term "designated agency", as used herein, shall mean:

(1) The office in San Francisco, California, of any of the following: the Matson Navigation Company, the American-Hawaiian Steamship Company, and the American President Lines, Ltd.;

(2) The office in Wilmington, California, of the Matson Navigation Company;

(3) The office in Seattle, Washington, of Alexander & Baldwin, Ltd.; and

(4) The office in Portland, Oregon, of Alexander & Baldwin, Ltd.

CHARLES M. HITE,
Acting Governor of Hawaii.

[F. R. Doc. 42-7779; Filed, August 10, 1942; 4:23 p. m.]

PART 134—GENERAL LICENSES UNDER CURRENCY REGULATIONS OF THE GOVERNOR OF HAWAII

[General License HC-5]

JULY 29, 1942.

§ 134.5 General License HC-5. (a) A general license is hereby granted authorizing any bank in the Territory of Hawaii to receive United States currency of other than Hawaiian Series from any person for deposit or exchange for United States currency, Hawaiian Series; *Provided, That a duly executed certification in duplicate on Form TFR-H30 is obtained from such person by the bank receiving such currency.*

(b) Each bank receiving currency of other than Hawaiian Series pursuant to this general license shall, at the beginning of each calendar month, file with the Office of the Governor of Hawaii one copy of each certification on Form TFR-H30 presented to such bank during the preceding month.

CHARLES M. HITE,
Acting Governor of Hawaii.

[F. R. Doc. 42-7780; Filed, August 10, 1942;
4:29 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. XXI]

PART 802—GENERAL LICENSES

SHIP AND PLANE STORES, SUPPLIES AND EQUIPMENT

Subparagraph (.) of paragraph (a) of § 802.13,¹ *Ship and plane stores, supplies and equipment*, is hereby amended to read as follows:

§ 802.13 *Ship and plane stores, supplies and equipment.* (a) * * *

(1) When exportation is made on freight or passenger vessels operating under the control of countries designated by numbers 1 through 81, 88, 89, 90, 91, 96 and 99 in § 802.2 (a), or on foreign vessels operating under United States Maritime Commission warrants, these general licenses authorize the exportation of bunker fuel, ordinary ship stores, sea stores, and supplies for use or consumption on board such vessels during the outgoing voyage and any immediate return voyage scheduled, and also of equipment and spare parts intended for permanent use on such vessels when necessary for their proper operation.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

F. R. KERR,
Chief, Export Control Branch,
Office of Exports.

AUGUST 8, 1942.

[F. R. Doc. 42-7814; Filed, August 11, 1942;
11:36 a. m.]

[Amendment No. XXII]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS TO EXPORT CERTAIN COMMODITIES

Paragraph (1) of § 804.7² *Special provisions concerning applications to export certain commodities* is amended to read as follows:

(1) *Vehicles.* Applications for licenses to export vehicles or equipment of a type requiring rubber tires, casings, or tubes for operation must include either (1) a statement that no rubber tires, casings,

or tubes are to be mounted on, or otherwise included as part of the shipment of, such vehicles or equipment when exported, or (2) a statement of the number, size, ply, and tread design of the rubber tires, casings, or tubes which are to be mounted on, or otherwise included as part of the shipment of, such vehicles or equipment when exported; and a statement as to whether the tires, casings or tubes are new or used. In the latter case, applications need not include a statement of the crude rubber content of such tires, casings, or tubes. If any spare tire, casing, or tube is to be mounted on, or otherwise included as part of the shipment of, a vehicle when exported, the application must include a statement showing the urgent necessity for such spare tire, casing or tube.

This amendment shall become effective August 20, 1942.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

F. R. KERR,
Chief, Export Control Branch
Office of Exports.

AUGUST 8, 1942.

[F. R. Doc. 42-7815; Filed August 11, 1942;
11:36 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

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

[Amendment 4 to Priorities Regulation 1]

Part 944, Priorities Regulation No. 1, is hereby amended in the following respects:

1. Section 944.5¹ is amended to read as follows:

§ 944.5 *Sequence of preference ratings.* (a) Preference ratings in order of precedence are: AAA, AA-1, AA-2, AA-2X, AA-3, AA-4, etc.; A-1-a, A-1-b, etc.; A-2, A-3, etc.; B-1, B-2, etc. All preference ratings of AA heretofore assigned and in effect are hereby amended to AA-2, unless and until the deliveries bearing such ratings are otherwise specifically rerated.

(b) Effective immediately, ratings of AA-1 and AA-2 are to be deemed ratings of the same grade, both ratings being equivalent to the present rating of AA-1, and this rule shall apply to deliveries heretofore or hereafter rated with either of such ratings. No person shall be required by reason of this paragraph (b) to terminate or interrupt a production schedule immediately in any case where such termination or interruption would result in a substantial loss of production: *Provided, however,* That in any such case termination or interruption of the schedule required by reason of this paragraph (b) may not be postponed more than forty days from the effective date of this paragraph (b)—August 10, 1942.

2. Section 944.7(d)¹ is hereby amended to read as follows:

(d) Notwithstanding the foregoing provisions of this § 944.7, no person who receives any rated order shall be required by reason of such order to terminate or interrupt a production schedule immediately in any case where such termination or interruption would result in a substantial loss of production: *Provided, however,* That in any such case termination or interruption of the schedule required by the receipt of such rated order shall not be postponed more than forty days after such receipt.

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

Issued this 10th day of August, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7796; Filed, August 10, 1942;
5:20 p. m.]

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

[Priorities Regulation 12 as amended
August 10, 1942]

ESTABLISHING RERATING PROCEDURES

Priorities Regulation 12 (§944.33) is hereby amended to read as follows:

§ 944.33 *Priorities Regulation No. 12—*
(a) *General.* Deliveries bearing preference ratings may be rerated and, subject to the limitations hereinafter provided, such reratings may be applied or extended in the manner provided in this Regulation. Such reratings shall change only the grade of the preference rating, and shall not increase the amount of material to which the rating may be applied or extended.

(b) *Methods of initiating rerating.* (1) Reratings may be effected in the first instance through the issuance, by the Director General for Operations or by such government officials as may be authorized by him, of either (i) a new preference rating order or certificate, (ii) an amendment of an existing order or certificate, or (iii) a rerating direction on Form PD-4X, attached hereto² (or such other form as may be prescribed), specifying the change of rating and the items to which it applies. A single Rerating Direction may be used to rerate deliveries to be made under different contracts with the same contractor, and may specify different new ratings for separate deliveries to be made under a single contract.

(2) A Rerating Direction in the PD-4X series shall be used only:

(i) To rerate deliveries under prime contracts directly to, or construction of facilities under direct contract with, the United States Army or Navy or other United States Government agencies specified in the definition of "defense

¹ 7 F.R. 5745.

² 7 F.R. 5081.

¹ 6 F.R. 4489, 6680; 7 F.R. 3311, 4832.

² 6 F.R. 4489, 6680; 7 F.R. 4832.

³ Filed as part of the original document.

order" appearing in § 944.1 (b) of Priorities Regulation No. 1 as amended, and in addition, notwithstanding the limitations indicated on Form PD-4X:

(ii) To rerate any other delivery to be made directly to a prime contractor or subcontractor with the United States Army or Navy or other United States Government agency so specified; provided such delivery has previously been duly rated either (a) by a preference rating certificate on Form PD-3, PD-3A, PD-4 or PD-5, or (b) by a preference rating order in the P-19, P-19-a or P-19-h series countersigned by an officer of the United States Army or Navy: *And provided further*, That the original rating was assigned by such preference rating certificate or order issued directly to and in the name of the person who is to receive the delivery to be rerated, and not merely applied or extended to such person by another contractor or subcontractor.

Rerating directions on forms in the PD-4X series may be prepared and issued only by authorized government officials, and are not to be prepared or filed with any government agency by any person as application forms to secure reratings.

(c) *Extent to which rerating may be extended.* (1) In any case where a delivery to be made by a person has been rerated, such person may rerate deliveries to be made to him of the following material only:

(i) Material which will itself be delivered by such person on a rerated delivery, or which will be physically incorporated into material to be so delivered, or

(ii) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the new rating may be applied or extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however*, That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design, or substitution of less scarce materials, which, in any case, do not substantially alter the purpose for which the same is to be used.

(2) In addition, any person may extend the new rating to deliveries of operating supplies (including lubricants, catalysts, abrasives and small perishable tools) which are actually required and will be consumed by him in physically processing other material to the delivery of which he has extended the same new rating, except that

(i) The cost of the operating supplies to which he extends the rating shall not exceed ten percent of the cost of the particular materials to be processed therewith, and to which he extends the new rating; and

(ii) Not more than 25 percent by value of the operating supplies so rated

in any calendar month shall be metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 § 944.32²

(3) When a delivery to be made by a person has been rerated, such person may *not* extend the new rating to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to maintenance and repair items, to business machines whether purchased or leased, or to operating supplies other than those specified above in subparagraph (2) of this paragraph (c). If rerating of such material is necessary, the new rating must be assigned by the appropriate government official, except as provided with respect to PRP Units in paragraph (d) of this regulation.

(4) In each case, the new rating applied or extended by any person pursuant to this paragraph (c) shall be the same as the new rating which he has received for the rerated delivery to be made by him, even though this may require him to apply or extend separate new ratings to items previously covered by a single rating; except that, to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items which might be rerated with new ratings of different grades may be combined, and the total delivery rerated with the new rating of the lowest grade.

(d) *Special provisions applicable to PRP Units.* (1) Notwithstanding the provisions of Priorities Regulation No. 11 (§ 944.32) and of Preference Rating Order P-90, a PRP Unit may extend a new rating in accordance with paragraph (c) of this regulation when a delivery to be made by it has been rerated, but (i) this provision shall not be deemed to authorize a PRP Unit to extend a rating in connection with the receipt of a new rated order (as distinct from the rerating of an order previously received) except as authorized in subparagraph (2) of this paragraph (d), and (ii) the total amount of any material of which a PRP Unit is permitted to accept delivery in any quarter shall continue to be limited to the amount authorized on its PRP Certificates, as further provided in subparagraph (4) of this paragraph (d).

(2) In addition, notwithstanding the provisions of Priorities Regulation No. 11 or of Preference Rating Order P-90, a PRP Unit may, not more than twice in any calendar month, revise the rating pattern which it may apply to deliveries to be made to it and may apply preference ratings in accordance with such revised pattern as follows:

(i) The PRP Unit shall first determine, as of the latest practicable date, (a) the total dollar amount of all unfilled orders placed with it which are scheduled for production (though subject to postponement or cancellation in case of receipt of higher rated orders), and (b) the percentage of such dollar amount covered by such grade of preference rating, taking into account all changes of ratings

as of said date. The PRP Unit shall then be entitled to rate or rerate its own purchase orders in accordance with the pattern of ratings so determined in such manner that its purchase orders outstanding covered by each grade of rating shall be the same percentage (by dollar amount) of its total outstanding purchase orders as the percentage of scheduled unfilled orders placed with it covered by the same rating. It may not either rate or rerate any purchase order if the result of such rating or rerating will be to increase the dollar value of its orders bearing the same rating to a percentage of the value of its total purchase orders greater than the percentage of deliveries to be made by it bearing the same rating (unless such rating or rerating is authorized by a PRP Certificate) except as otherwise provided in subdivision (iii) of this subparagraph (2) below, and except that, if any rating is not applied to the full extent permissible, the balance not used may be added to the permissible amount of any lower rating or ratings. The term "purchase order" as used in this subdivision (i) shall *not* include any order for materials for plant improvement, expansion or construction, for business machines whether purchased or leased, or for machine tools or other large capital equipment. Such items may not be rated or rerated on the basis of the rating pattern. They may be rated or rerated only by the issuance to the PRP Unit of a new or amended preference rating certificate or order or of a rerating direction as specified in paragraph (b) of this regulation.

(ii) Except as otherwise provided in subdivision (iii) below, ratings and reratings pursuant to this subparagraph (2) shall be applied only in such manner that incoming deliveries of each material will bear the same rating as outgoing deliveries in which that material is incorporated, and material obtained under a rating or rerating applied pursuant to this subparagraph (2) shall be used *only* for the production of material to be delivered under the same or a higher rating. A PRP Unit must comply with the limitations of this subdivision (ii) on the basis of the most accurate determinations which it can make in the light of available records. However, in cases where detailed examination of outstanding purchase orders would be impracticable, reasonable estimates may be made, and physical segregation of material obtained under different ratings it is not required: *Provided*, That the amounts of each kind of material used to fill orders bearing different ratings do not exceed the amounts permitted by compliance with said limitations.

(iii) Notwithstanding the foregoing provisions, any PRP Unit which rates or rerates its own purchase orders in accordance with a pattern determined by it pursuant to this subparagraph (2) shall, after determining such pattern, group the percentages represented by ratings from A-1-b to A-1-k inclusive and apply to the percentage representing the entire group the highest rating assigned between A-1-b and A-1-k inclusive on its most re-

² 7 F.R. 4423, 4616, 4638, 4848, 6369, 6147.

cent PRP Certificate, and shall likewise apply to the entire percentage represented by ratings from A-2 to A-10 inclusive the highest rating assigned between A-2 and A-10 inclusive on such certificate.

(3) Unless otherwise expressly provided in its PRP Certificate or any supplement thereto, any PRP Unit may apply either the rating pattern authorized in its current PRP Certificate (including any supplemental certificate on Form PD-25F or otherwise) or a pattern determined by the PRP Unit as provided in subparagraph (2) of this paragraph (d). It may also rerate deliveries as provided in subparagraph (1) of this paragraph (d): *Provided*, That, in any event, no single purchase order may be rerated more than once in any consecutive period of thirty-one days unless the supplier consents to such rerating.

(4) Nothing in this regulation, or in any rerating direction or certificate issued hereunder, shall authorize a PRP Unit, or any person required by Priorities Regulation No. 11 to become a PRP Unit, to receive any delivery or apply or extend a rating to any delivery, of any material in an amount greater than permitted by said regulation, and in no event shall the amount of any material rated by a PRP Unit for delivery in any calendar quarter exceed the amount authorized for rating on its PRP Certificates: *Provided, however*, That purchase orders may be rated according to the authorized pattern even if scheduled for delivery in a quarter for which no PRP Certificate has yet been received, but upon receipt of such certificate, purchase orders must be adjusted to authorized amounts as required by paragraph (d) (1) (iii) of Priorities Regulation No. 11.

(e) *Method of application or extension.*

(1) In any case where a person has applied or extended a preference rating to a delivery to be made to him and is subsequently authorized to rerate such delivery pursuant to this regulation, he may at his option either:

(i) Furnish to his supplier a rerating certificate in the form of Form PD-4Y attached hereto,² containing the information therein specified (other than Government contract numbers or other government identification, where none are available);

(ii) Notify his supplier in writing that the previous rating has been cancelled and furnish him with duplicate purchase orders carrying the appropriate endorsement for the new rating as provided by Priorities Regulation No. 3 (§ 944.23);³ or

(iii) Advise his supplier of the change in rating by letter or telegram listing the purchase orders on which the ratings are changed, giving the numbers of the original purchase orders, the original rating and the new ratings, and instructing the supplier to file such letter or telegram with the original purchase orders.

In any event, the information given to the supplier must be sufficiently specific with respect to the particular deliveries

rerated so that he will be able to adjust his production schedules accordingly. The supplier must be specifically informed, by reference to purchase order numbers, delivery schedules, description of items or otherwise, as to which deliveries are subject to which new ratings. It is not sufficient to state merely that all outstanding purchase orders placed with the supplier are rerated according to specified percentages, unless the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the rerating on his production and delivery schedule, and except that, if the supplier consents, orders not yet in production may be rerated on a percentage basis, provided actual amounts and deliveries are identified by supplementary information furnished to the supplier before production is to be scheduled. The supplier shall be entitled to rely on the information given unless he knows or has reason to believe it to be false.

(2) Each person rerating any delivery to be made to him shall maintain at his regular place of business for not less than two years copies of all rerating certificates issued by him, records of the basis of each determination of a new rating pattern made by him pursuant to paragraph (d) (2) of this regulation, and all rerating directions or certificates received by him, upon which he relies as entitling him to rerate such deliveries. In the case of a PRP Unit applying ratings pursuant to paragraph (d) (2) of this regulation, such records must clearly indicate which rating pattern has been used with respect to each order rated or rerated by the Unit. All such records shall be kept segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. Notices to supplier shall be signed manually or as provided in Priorities Regulation No. 7 (§ 944.27)⁴ by an official duly authorized for such purpose.

(f) *Use of new rating where rating has not yet been used.* If a person who is entitled to rerate a delivery to be made to him has not yet applied or extended a rating to such delivery, he may apply or extend the new rating in the same manner in which he could have applied or extended the earlier rating, subject to the provisions of Priorities Regulation No. 3, as amended (§ 944.23), and to the provisions of paragraphs (c) and (d) of this regulation.

(g) *Effective date of rerating.* The sequence of rated and rerated deliveries shall be determined as if the rerated item had carried the new rating at the time the first rating covering the delivery was received, and the person whose delivery is rerated shall make any necessary change in his production or delivery schedule promptly on receipt of the rerating: *Provided, however*, That

(1) Any person who, prior to July 15, 1942, receives a rerating for a delivery to be made by him, shall make the neces-

sary changes in his production and delivery schedules on July 15, 1942, and shall put such changes into effect immediately thereafter except as otherwise provided in subparagraphs (2), (3) and (4) of this paragraph (g);

(2) If such person has received reratings for all deliveries which are to be completed in 1942 on any one production schedule, he may proceed to make the necessary changes in such schedule before July 15, 1942, subject to the provisions of subparagraphs (3) and (4) of this paragraph (g);

(3) No person shall, by reason of a rerating, divert material specifically produced for an order bearing a rating higher than A-2 and deliver the same under the higher rerated order if such material is completed at the time the rerating is received or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the Director General for Operations, or unless the new rating is AAA;

(4) No person shall be required by reason of a rerating to terminate or interrupt a production schedule in any case where such termination or interruption would result in a substantial loss of production: *Provided, however*, That in any such case the termination or interruption of the schedule required by the rerating shall not be postponed more than forty days after such rerating is received. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7797; Filed August 10, 1942;
5:20 p. m.]

PART 1022—PLUMBING AND HEATING EMERGENCY REPAIRS

[Amendment 1 to Preference Rating
Order P-84]

Section 1022.1 (Preference Rating
Order P-84)¹ is amended in the following respects:

Paragraph (b) (1) is amended to read as follows:

(1) Plumbing equipment means any equipment, fixtures, fittings, pipes, accessories or supplies of types used in, or connected to, water, sewer, or gas systems, also any device using coal, oil or gas as fuel for cooking, baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution of which is restricted by General Limitation Order L-83, as amended from time to time, provided that "plumbing equipment" does not include any tools for use in installation of repairs, or any hoses, sprinklers or other devices of types commonly attached to outdoor faucets.

² Filed as part of the original document.
³ 7 F.R. 4422, 4833, 5404.

⁴ 7 F.R. 1062.

¹ 7 F.R. 1997, 4167.

(b) Paragraph (b) (2) is amended by striking out the word "primary" wherever it appears in said paragraph.

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

Issued this 11th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7808; Filed, August 11, 1942; 11:17 a. m.]

PART 1154—METAL PLUMBING AND HEATING EQUIPMENT

[Amendment 1 to Limitation Order L-79, as Amended May 23, 1942]

Paragraph (a) (1) (iv) of § 1154.1 (General Limitation Order L-79, as amended May 23, 1942¹) is amended to read as follows:

(iv) Cooking and baking equipment using coal, oil or gas as fuel for cooking, baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution of which is restricted by General Limitation Order No. L-83, as amended from time to time.

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

Issued this 11th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7809; Filed, August 11, 1942; 11:17 a. m.]

PART 1154—METAL PLUMBING AND HEATING EQUIPMENT

[Amendment 2 to Limitation Order L-79, as amended May 23, 1942]

Section 1154.1 (General Limitation Order L-79, as amended May 23, 1942¹) is hereby amended in the following respects:

Paragraph (a) (2) is amended by adding at the end thereof the following new subparagraph (viii):

(viii) The following items of heating equipment using gas as fuel; steam and hot water heating boilers, warm air furnaces, floor furnaces, unit heaters, conversion burners, and gas steam radiators.

Paragraph (b) (3) (i) is revoked.

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

¹ 7 F.R. 3852, 3880.

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7810; Filed, August 11, 1942; 11:17 a. m.]

Chapter XI—Office of Price Administration

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

[Maximum Price Regulation 200]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

In the judgment of the Price Administrator the prices of rubber heels, rubber heels attached and attaching rubber heels have risen to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rubber heels, rubber heels attached and attaching rubber heels prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 200 is hereby issued.

Sec.

- 1315.1401 Prohibition against dealing in rubber heels, rubber heels attached and attaching rubber heels at prices in excess of the maximum.
- 1315.1402 Federal and state taxes.
- 1315.1403 Sales for export.
- 1315.1404 Less than maximum prices.
- 1315.1405 Evasion.
- 1315.1406 Marking and posting.
- 1315.1407 Records.
- 1315.1408 Reports.
- 1315.1409 Sales slips and receipts.
- 1315.1410 Enforcement.
- 1315.1411 Adjustable pricing.
- 1315.1412 Petitions for amendment.
- 1315.1413 Exclusions.
- 1315.1414 Definitions.
- 1315.1415 Applicability.

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

¹ 7 F.R. 971, 3663.

Sec.

- 1315.1416 Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation, and Maximum Price Regulation 165.
- 1315.1417 Applicability of the General Maximum Price Regulation.
- 1315.1418 Applicability of Maximum Price Regulation 165.
- 1315.1419 Effective date.
- 1315.1420 Appendix A: Maximum prices for rubber heels, rubber heels attached, and attaching rubber heels.

Authority: §§ 1315.1401 to 1315.1420, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1315.1401 *Prohibition against dealing in rubber heels, rubber heels attached, and attaching rubber heels at prices in excess of the maximum.* On and after September 1, 1942, regardless of any contract, agreement, lease or other obligation: (a) no person shall sell or deliver rubber heels or attached rubber heels, in the shoe repair trade, and no person shall buy or receive rubber heels or attached rubber heels, in the shoe repair trade, in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1420; and (b) no person shall attach rubber heels at prices higher than the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of rubber heels to a purchaser if prior to September 1, 1942, such rubber heels had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1315.1402 *Federal and state taxes.*

(a) For all sales other than sales by a shoe repairman there may be added to the maximum price established by this Maximum Price Regulation No. 200 the amount of tax levied by any federal excise tax statute or any state or municipal sales, gross receipts or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer or user on the bill, sales check or evidence of sale at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of state or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer or user.

(b) For all sales by a shoe repairman the maximum price established by this Maximum Price Regulation No. 200 shall

include the amount of tax levied by any federal excise tax statute. However, there may be added to the maximum price established for sales by a shoe repairman by this Maximum Price Regulation No. 200 the amount of tax levied by any state or municipal sales, gross receipts or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if but only if, (1) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user on the bill, sales check or evidence of sale at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer, or user with tokens or other media of state or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer or user.

§ 1315.1403 *Sales for export.* The maximum price at which a person may export any rubber heels shall be determined in accordance with the provisions of the Maximum Export Price Regulation² issued by the Office of Price Administration.

§ 1315.1404 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1315.1420) may be charged, demanded, paid or offered.

§ 1315.1405 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 200 shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rubber heels alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Every purchaser shall have the choice of buying rubber heels of a particular type and grade without buying rubber heels of another type and grade or buying any other commodity, and every purchaser, other than a purchaser from a shoe repairman, shall have the choice of buying rubber heels of a particular type and grade without having any service performed.

(c) A purchaser of rubber heels from a shoe repairman shall always have the choice of buying rubber heels and having the seller attach them to shoes without having any other service performed or buying any other commodity.

§ 1315.1406 *Marking and posting.* (a) Every manufacturer of rubber heels (except women's scoop lifts, toplifts, toplift strips and toplift blocks) manufactured after August 31, 1942, for sale in the shoe repair trade, shall imprint prominently on the face of every such heel in the place receiving the least wear the symbol "V-1", "V-2", "V-3", or "V-4", which symbol shall represent the physical tests, as set forth in paragraph (g) (6) of § 1315.1420, which the heel in question is able to equal or exceed. Women's scoop lifts, toplifts, toplift strips and toplift blocks manufactured after August 31, 1942, for sale in the shoe repair trade may be marked in some other manner approved by the Office of Price Administration in order to indicate the quality thereof.

(b) On and after September 1, 1942, every shoe repairman engaged in the business of selling rubber heels or attached rubber heels or of attaching rubber heels shall keep posted in a conspicuous place in each establishment at which rubber heels are offered for sale, or at which the attaching of rubber heels is contracted for, a statement setting forth the maximum prices which he is permitted to charge under this Maximum Price Regulation No. 200 and the brands to which these maximum prices apply. For this purpose it shall be permissible to employ a list of maximum prices and brands furnished by the Office of Price Administration for posting pursuant to the provisions of this paragraph.

§ 1315.1407 *Records.* (a) Every person, other than a shoe repairman or a person making a purchase from a shoe repairman, making a sale or purchase subject to this Maximum Price Regulation No. 200 after August 31, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale or purchase, showing the date thereof, the name and the address of the buyer or seller, the price paid or received and the quantity of each type and grade of rubber heels sold or purchased.

(b) Every person subject to this Maximum Price Regulation No. 200 shall keep such other records in addition to or in place of the records required in paragraph (a) of this § 1315.1407, as the Office of Price Administration may from time to time require or permit.

§ 1315.1408 *Reports.* (a) Every manufacturer of rubber heels, subject to the provisions of this Maximum Price Regulation No. 200, shall file a report with the Office of Price Administration, Washington, D. C., stating the unit costs (labor costs, materials costs, factory overhead, other expenses and total costs) as of January 1, 1942, July 1, 1942, and as of the first day of every quarter thereafter, for each grade of men's rubber half

heels produced by him, except that if during the year 1941 the manufacturer's sales of another rubber heel type exceeded his sales of men's rubber half heels, such reports shall be filed for that type. The reports as of January 1, 1942, and July 1, 1942, shall be filed on or before October 1, 1942. The reports as of the first day of each quarter after July 1, 1942, shall be filed not later than thirty days after the date as of which they must be filed.

(b) Every person subject to this Maximum Price Regulation No. 200 shall submit such other reports to the Office of Price Administration in addition to or in place of the reports required in paragraph (a) of this § 1315.1408, as the Office of Price Administration may from time to time require or permit.

§ 1315.1409 *Sales slips and receipts.* Any person subject to this Maximum Price Regulation No. 200 who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person subject to this Maximum Price Regulation No. 200 shall, regardless of previous custom, upon request of the customer, give such customer a signed receipt showing the date of the transaction, the type, brand, and grade of the rubber heels sold and the price therefor.

§ 1315.1410 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 200 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 200 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1411 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 200 shall enter into any agreement permitting the adjustment of the prices of rubber heels, attached rubber heels or attaching rubber heels to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

§ 1315.1412 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 200 may file petitions for amendment in accordance with the provisions of Procedural

² 7 F.R. 3696, 3884, 4294.

Regulation No. 1, issued by the Office of Price Administration.

§ 1315.1413 *Exclusions.* This Maximum Price Regulation No. 200 shall not apply to sales and deliveries of rubber heels, made in accordance with military specification, pursuant to contract with:

(a) Any war procurement agency of the United States Government; or

(b) Any person who contracts to sell the purchased rubber heels to any war procurement agency of the United States Government or to any contractor or subcontractor who physically incorporates the rubber heels in an article being processed for any such war procurement agency.

§ 1315.1414 *Definitions.* (a) When used in this Maximum Price Regulation No. 200 the term:

(1) "Continental United States" means only the forty-eight states and the District of Columbia.

(2) "Export" means any sale between a seller in the Continental United States and a purchaser outside thereof.

(3) "Manufacturer" means any person engaged in the production of rubber heels.

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

(5) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber.

(6) "Rubber heels" includes all unattached heels, heel bases, scoop lifts, toplifts, toplift strips and toplift blocks, made in whole or in part of rubber.

(7) "Rubber heels sold in the shoe repair trade" means rubber heels sold or offered for sale by or to a shoe repairman, by wholesalers to the persons who sell rubber heels to a shoe repairman, or by manufacturers to any of the persons named in this subparagraph.

(8) "Shoe repairman" includes any person engaged in the business of replacing worn heels for an ultimate consumer, other than an industrial, commercial or governmental consumer.

(9) "Wholesaler" includes any person, other than a manufacturer, who sells or offers to sell rubber heels to a shoe repairman or to persons who sell or offer to sell rubber heels to a shoe repairman.

(10) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

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

§ 1315.1415 *Applicability.* The provisions of this Maximum Price Regulation No. 200 shall be applicable to the Continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1315.1416 *Licensing—Applicability of the registration and licensing provisions of the General Maximum Price Regulation⁵ and Maximum Price Regulation No. 165.⁴* (a) The registration and licensing provisions of §§ 1499.15 and

⁵ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4333, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5585, 5484, 5775, 5784, 5783.

⁴ 7 F.R. 4734, 5028, 5567.

1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Regulation selling at wholesale or retail rubber heels. When used in this paragraph (a) the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

(b) The registration and licensing provisions of §§ 1499.111 and 1499.112 of Maximum Price Regulation No. 165 are applicable to every person subject to this regulation, selling attached rubber heels to an ultimate consumer, or attaching rubber heels for such consumer.

§ 1315.1417 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1315.1416, the provisions of this Maximum Price Regulation No. 200 supersede the provisions of the General Maximum Price Regulation, including §§ 1499.11, 1499.12, 1499.13, 1499.14, and 1499.25 thereof, with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1315.1418 *Applicability of Maximum Price Regulation No. 165.* Except as provided in § 1315.1416, the provisions of this Maximum Price Regulation No. 200 supersede the provisions of Maximum Price Regulation No. 165 with respect to sales of consumer services for which maximum prices are established by this Regulation.

§ 1315.1419 *Effective date.* This Maximum Price Regulation No. 200 (§§ 1315.1401 to 1315.1420, inclusive) shall become effective September 1, 1942.

§ 1315.1420 *Appendix A: Maximum prices for rubber heels, rubber heels attached and attaching rubber heels.* (a) The maximum prices for rubber heels, sold in the shoe repair trade shall be the prices listed in Table I-A.

FEDERAL REGISTER, Wednesday, August 12, 1942

TABLE I-A.—MAXIMUM PRICES FOR RUBBER HEELS SOLD IN THE SHOE REPAIR TRADE

Item	Maximum price for sales to wholesalers ¹	Maximum price for sales to shoe repairmen ²	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen ³ (per pair)
1. Men's half heels (all sizes):				
Super grade or V-1	\$1.60	\$2.00	1 dozen pairs	\$0.55
Standard grade or V-2	1.39	1.85	1 dozen pairs	.50
Competitive grade or V-3	1.16	1.55	1 dozen pairs	.45
Special competitive grade or V-4	.94	1.25	1 dozen pairs	.40
2. Men's whole heels (all sizes):				
Corded	1.99	2.65	1 dozen pairs	.65
Super grade or V-1	1.73	2.30	1 dozen pairs	.55
Standard grade or V-2	1.65	2.20	1 dozen pairs	.55
Competitive grade or V-3	1.43	1.60	1 dozen pairs	.50
Special competitive grade or V-4	1.20	1.60	1 dozen pairs	.45
3. Boys' whole heels (all sizes):				
Corded	1.58	2.10	1 dozen pairs	.55
Super or standard grade, V-1 or V-2	1.30	1.85	1 dozen pairs	.50
Competitive grade or V-3	1.16	1.55	1 dozen pairs	.45
Special competitive grade or V-4	.94	1.25	1 dozen pairs	.40
4. Women's Cuban heels (scoops or flat type) and junior wedges (all sizes):				
Super grade or V-1	1.60	1.45	1 dozen pairs	.40
Standard grade or V-2	1.05	1.40	1 dozen pairs	.40
Competitive grade or V-3	.90	1.20	1 dozen pairs	.35
Special competitive grade or V-4	.71	.95	1 dozen pairs	.30
5. Women's toplifts:				
(a) Thin Scoop Lifts (3 nail hole, fiber back, with washers) (all sizes):				
Super Grade or V-1 (with nails)	.75	1.00	1 dozen pairs	.30
Super Grade or V-1 (without nails)	.71	.95	1 dozen pairs	.30
All other grades V-2, V-3, V-4, (with nails)	.71	.95	1 dozen pairs	.30
All other grades V-2, V-3, V-4 (without nails)	.68	.90	1 dozen pairs	.30
(b) 1 nail hole toplifts plain or fiber back, no washers (all grades, V-1, V-2, V-3, V-4):				
(1) 1 dozen to carton (with nails) (all colors except white⁴), by size:				
9-0	.34	.45	1 dozen pairs	.25
7-0	.38	.50	1 dozen pairs	.25
5-0	.45	.60	1 dozen pairs	.25
3-0	.49	.65	1 dozen pairs	.25
2-0	.56	.75	1 dozen pairs	.25
1-0	.56	.75	1 dozen pairs	.25
2	.60	.80	1 dozen pairs	.25
4	.68	.90	1 dozen pairs	.25
6	.71	.95	1 dozen pairs	.25
1	.68	.90	1 dozen pairs	.25
3	.71	.95	1 dozen pairs	.25
5	.71	.95	1 dozen pairs	.25
*For white add to each price	.11	.15		.10
(2) 6 dozen to carton (without nails) (all colors but white⁴), by size:				
9-0	1.80	2.40	6 dozen pairs	.25
7-0	2.03	2.70	6 dozen pairs	.25
5-0	2.25	3.00	6 dozen pairs	.25
3-0	2.70	3.60	6 dozen pairs	.25
2-0	2.93	3.90	6 dozen pairs	.25
1-0	2.93	3.90	6 dozen pairs	.25
2	3.08	4.10	6 dozen pairs	.25
4	3.49	4.65	6 dozen pairs	.25
6	3.79	5.05	6 dozen pairs	.25
1	3.49	4.65	6 dozen pairs	.25
3	3.79	5.05	6 dozen pairs	.25
5	3.79	5.05	6 dozen pairs	.25
6	3.79	5.05	6 dozen pairs	.25
*For white add to each price	.67	.90		.10
(c) Dried out toplifts, plain or fiber back:				
Super grade or V-1, by size:				
10½ iron:				
Black	.56	.75	Pound	.20
Tan or no mark black	.60	.80	Pound	.20
White	.75	1.00	Pound	.30
All other grades V-2, V-3, V-4, by size:				
9 iron:				
Black	.56	.75	Pound	.20
Tan or no mark black	.60	.80	Pound	.20
White	.75	1.00	Pound	.30
10½ iron:				
Black	.53	.70	Pound	.20
Tan or no mark black	.56	.75	Pound	.20
White	.68	.90	Pound	.30
12 iron:				
Black	.49	.65	Pound	.20
Tan or no mark black	.53	.70	Pound	.20
White	.68	.90	Pound	.30

¹ These prices shall be reduced by 5 percent if the purchaser pays cash within 30 days after delivery in accordance with the provisions of § 1315.1420 (d) (1). Federal excise taxes and other taxes may be added in accordance with the provisions of § 1315.1402 (a).

² These prices shall be decreased by the customary cash discounts in accordance with the provisions of § 1315.1420 (d) (2). Federal excise taxes and other taxes may be added in accordance with the provisions of § 1315.1402 (a).

³ These prices include the Federal excise tax but other taxes may be added in accordance with § 1315.1402 (b).

⁴ For O'Sullivan Aristocrat and Goodrich "D" Plywood Core, there shall be substituted in table I-A \$1.69 instead of \$1.59 and \$2.25 instead of \$2.

⁵ For Goodyear G-50 heels, there shall be substituted in table I-A \$1.43 instead of \$1.39 and \$1.00 instead of \$1.85.

⁶ If repairs are made to the heel bases of women's toplifts, the shoe repairman may add a sum not to exceed \$0.10 per pair for such repairs in accordance with the provisions of § 1315.1420 (c).

TABLE I-A.—MAXIMUM PRICES FOR RUBBER HEELS SOLD IN THE SHOE REPAIR TRADE—
Continued

Item	Maximum price for sales to wholesalers	Maximum price for sales to shoe repairmen	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen (per pair)
5. Women's toplifts—Continued.				
(d) Toplift strips (12½" x 23"):				
(1) Plain back, black:*				
Super grade or V-1, by size:				
7 iron.....	\$1.13	\$1.00	Each.....	\$.20
7½ iron.....	1.13	1.00	Each.....	.20
9 iron.....	1.15	1.03	Each.....	.20
10½ iron.....	1.21	1.03	Each.....	.20
12 iron.....	1.33	1.00	Each.....	.20
Standard grade or V-2 by size:				
7 iron.....	1.09	1.43	Each.....	.20
7½ iron.....	1.09	1.43	Each.....	.20
9 iron.....	1.13	1.50	Each.....	.20
10½ iron.....	1.16	1.53	Each.....	.20
12 iron.....	1.23	1.70	Each.....	.20
Special competitive or V-3, V-4 by size:				
7 iron.....	.93	1.39	Each.....	.20
7½ iron.....	.98	1.33	Each.....	.20
9 iron.....	1.01	1.33	Each.....	.20
10½ iron.....	1.05	1.43	Each.....	.20
12 iron.....	1.16	1.53	Each.....	.20
*Fiber back add to each price.....	.15	.20	.....	.00
(2) Plain back, tan and no mark black:**				
Super grade or V-1 by size:				
7 iron.....	1.35	1.60	Each.....	.20
7½ iron.....	1.35	1.60	Each.....	.20
9 iron.....	1.43	1.60	Each.....	.20
10½ iron.....	1.50	2.00	Each.....	.20
12 iron.....	1.63	2.20	Each.....	.20
Standard grade or V-2 by size:				
7 iron.....	1.23	1.70	Each.....	.20
7½ iron.....	1.23	1.70	Each.....	.20
9 iron.....	1.23	1.60	Each.....	.20
10½ iron.....	1.43	1.60	Each.....	.20
12 iron.....	1.53	2.10	Each.....	.20
Competitive or special competitive, V-3 or V-4 by size:				
7 iron.....	1.16	1.53	Each.....	.20
7½ iron.....	1.16	1.53	Each.....	.20
9 iron.....	1.24	1.63	Each.....	.20
10½ iron.....	1.31	1.73	Each.....	.20
12 iron.....	1.49	1.93	Each.....	.20
**Fiber back add to each price.....	.15	.20	.....	.00
(3) Plain back, white:†				
All grades by size:				
7 iron.....	1.61	2.15	Each.....	.20
7½ iron.....	1.61	2.15	Each.....	.20
9 iron.....	1.72	2.20	Each.....	.20
10½ iron.....	1.91	2.55	Each.....	.20
12 iron.....	2.17	2.60	Each.....	.20
*Fiber back add to each price.....	.15	.20	Each.....	.00
(e) Toplift blocks (8½ x 12½"):				
(1) Plain back, black:†				
Super grade or V-1, by size:				
7 iron.....	4.50	6.00	1 dozen pairs..	.20
9 iron.....	4.65	6.20	1 dozen pairs..	.20
10½ iron.....	4.65	6.60	1 dozen pairs..	.20
12 iron.....	5.40	7.20	1 dozen pairs..	.20
All other grades V-2, V-3, V-4 by size:				
7½ iron.....	4.35	5.80	1 dozen pairs..	.20
9 iron.....	4.40	6.00	1 dozen pairs..	.20
10½ iron.....	4.65	6.20	1 dozen pairs..	.20
12 iron.....	5.10	6.60	1 dozen pairs..	.20
†Fiber back add to each price.....	.60	.80	.....	.00
(2) Plain back, tan and no mark black:†				
Super grade or V-1 by size:				
7 iron.....	5.40	7.20	1 dozen pairs..	.20
9 iron.....	5.70	7.60	1 dozen pairs..	.20
10½ iron.....	6.00	8.00	1 dozen pairs..	.20
12 iron.....	6.60	8.80	1 dozen pairs..	.20
All other grades V-2, V-3, V-4 by size:				
7½ iron.....	5.10	6.80	1 dozen pairs..	.20
9 iron.....	5.40	7.20	1 dozen pairs..	.20
10½ iron.....	5.70	7.60	1 dozen pairs..	.20
12 iron.....	6.30	8.40	1 dozen pairs..	.20
†Fiber back add to each price.....	.60	.80	.....	.00
(3) Plain back, white:†				
All grades, by size:				
7 iron.....	6.45	8.60	1 dozen pairs..	.20
9 iron.....	6.60	9.20	1 dozen pairs..	.20
10½ iron.....	7.05	10.20	1 dozen pairs..	.20
12 iron.....	8.70	11.60	1 dozen pairs..	.20
†Fiber back—add to each price.....	.60	.80	.....	.00
6. Orthopedic heels (all sizes):				
Men's whole.....	2.25	3.40	1 dozen pairs..	.75
Men's half.....	2.14	2.85	1 dozen pairs..	.65
Women's half.....	1.75	2.35	1 dozen pairs..	.60

See footnotes on page 6262.

TABLE I-A.—MAXIMUM PRICES FOR RUBBER HEELS SOLD IN THE SHOE REPAIR TRADE—Continued

Item	Maximum price for sales to wholesalers	Maximum price for sales to shoe repairmen	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen (per pair)
7. Combination leather and rubber lifts (all sizes):				
Men's.....	\$2.36	\$3.15	1 dozen pairs..	\$.75
Women's.....	1.69	2.25	1 dozen pairs..	.60
8. Heel bases, by thickness:				
2 1/2".....	.71	.95	1 dozen pairs..	.25
3/8".....	.71	.95	1 dozen pairs..	.25
9. Wedge and sport heels (all colors) (all sizes):				
Super, standard, V-1, V-2:				
Men's (cord and natural inserts).....	1.99	2.65	1 dozen pairs..	.65
Women's.....	1.61	2.15	1 dozen pairs..	.55
Men's.....	1.35	1.80	1 dozen pairs..	.50
10. White heels:				
Men's half.....	1.60	2.40	1 dozen pairs..	.60
Women's Cuban (scoop, flat type or junior wedges).....	1.24	1.65	1 dozen pairs..	.60
Women's thin scoop super.....	.97	1.30	1 dozen pairs..	\$.40
All other grades.....	.94	1.25	1 dozen pairs..	\$.40

See footnotes on page 6262.

(b) The maximum price stated in Table I-A for a sale by a shoe repairman shall include the price of the rubber heels and the price of attaching the rubber heels to shoes. If rubber heels are sold by a shoe repairman unattached, the maximum price for such sales shall be 40% of the price listed in Table I-A for sales of rubber heels of the same type and grade by a shoe repairman. The maximum price for attaching rubber heels supplied by a purchaser shall be 60% of the price stated in Table I-A for sales of rubber heels of the same type and grade by a shoe repairman.

(c) The maximum price stated in Table I-A for a sale by a shoe repairman shall include all repairs made by the shoe repairman in the process of attaching rubber heels, except that if a shoe repairman makes repairs to the heel base in the process of attaching women's toplifts, he may add to the maximum price stated in Table I-A for the women's toplifts in question a sum not to exceed \$0.10 per pair for such repairs.

(d) (1) The manufacturer's price to wholesalers stated in Table I-A shall be decreased by five (5%) per cent if the purchaser pays cash within thirty days after delivery.

(2) The maximum price for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March, 1942.

(e) (1) The maximum prices for sales to wholesalers listed in Table I-A shall include the costs of transportation of the rubber heels to the buyer's place of business if the order in question amounts to one hundred pounds or more.

(2) The maximum prices for sales to shoe repairmen listed in Table I-A shall include the costs of transportation of the rubber heels to the buyer's place of business.

(f) The prices set forth in Table I-A shall not be increased by any charges for the extension of credit.

(g) When used in this § 1315.1420:

(1) "Super grade" means rubber heels manufactured before September 1, 1942

bearing the following brand names and made by the following manufacturers:

SUPER	
Brand	Manufacturer
Adjusto-Wear.....	Selberling Rubber Company.
Aristocrat.....	O'Sullivan Rubber Company.
Biltrite.....	Panther Panco Rubber Company.
Cat's Paw.....	Holtite Manufacturing Company.
Custom-50.....	Goodyear Tire & Rubber Company.
Delux Suprex.....	B. F. Goodrich Co.-Hood Rubber Co.
Goodrich "D" Plywood-Core.....	B. F. Goodrich Co.-Hood Rubber Co.
Goodrich Lifelong--	B. F. Goodrich Co.-Hood Rubber Co.
No Jar Super 50.....	Cupples Company.
Selberling Bonded..	Selberling Rubber Company.
Tuffes.....	The I. T. S. Company.
Tufford.....	The I. T. S. Company.
U. S. Super Royal...	U. S. Rubber Company.

(2) "Standard grade" means rubber heels manufactured before September 1, 1942 bearing the following brand names and made by the following manufacturers:

STANDARD	
Brand	Manufacturer
Commander.....	Holtite Manufacturing Company.
G-50.....	Goodyear Tire & Rubber Company.
Hylflex.....	Essex Rubber Company.
I. T. S.....	The I. T. S. Company.
Imperial.....	U. S. Rubber Company.
Monarch Certified..	Monarch Rubber Company.
Nojar.....	Cupples Company.
O'Sullivan Service..	O'Sullivan Rubber Company.
O'Sullivan Stylist..	O'Sullivan Rubber Company.
Panco Triple Wear..	Panther Panco Rubber Company.
Presto grip.....	Cupples Company.
Selberling.....	Selberling Rubber Company.
Suprex.....	B. F. Goodrich Co.-Hood Rubber Co.
U. S. Royal.....	U. S. Rubber Company.
U. S. Royal Nukup..	U. S. Rubber Company.
Uskide.....	U. S. Rubber Company.
Wingfoot.....	Goodyear Tire & Rubber Company.

(3) "Competitive grade" means rubber heels manufactured before September 1, 1942 bearing the following brand names and made by the following manufacturers:

COMPETITIVE	
Brand	Manufacturer
Ambassador.....	Monarch Rubber Company.
Arrow.....	B. F. Goodrich Co.-Hood Rubber Co.
Cupples Delux.....	Cupples Company.
Cupples Ribbed....	Cupples Company.
Foster.....	Holtite Manufacturing Company.
Greyhound.....	B. F. Goodrich Co.-Hood Rubber Co.
Holtite.....	Holtite Manufacturing Company.
Jax.....	Holtite Manufacturing Company.
L. and R.....	The I. T. S. Company.
Mercury.....	Goodyear Tire & Rubber Co.
Monarch.....	Monarch Rubber Company.
Monogram.....	Panther Panco Rubber Company.
Pancrom Diamond Grip.	Panther Panco Rubber Company.
Portage.....	Selberling Rubber Company.
Resolute.....	Goodyear Tire & Rubber Company.
Ritz.....	The I. T. S. Company.
Springstep.....	U. S. Rubber Company
Tredwell.....	O'Sullivan Rubber Company.
Tite-Edge.....	Essex Rubber Company.

(4) "Special competitive grade" means rubber heels manufactured before September 1, 1942 whose brand name is not specifically listed in this paragraph (g) and rubber heels bearing the following brand names and made by the following manufacturers:

SPECIAL COMPETITIVE	
Brand	Manufacturer
Ace.....	Plymouth Rubber Company.
Ace Double Duty...	Plymouth Rubber Company.
Adlife.....	Hagerstown Rubber Company.
Airway.....	Donovan Rubber Company.
Armortred.....	Quabaug Rubber Company.
Athletic.....	Queens Rubber Hood Company.
Belmont.....	B. F. Goodrich Co.-Hood Rubber Co.
Camel.....	Victor Products Company.
Columbia.....	New Jersey Rubber Company.
Coronet.....	Holtite Manufacturing Company.
Daisy.....	Schacht Rubber Manufacturing Co.
Dictator.....	Holtite Manufacturing Company.
Duwear.....	Cupples Company.
E. Z.....	Hagerstown Rubber Company.
Eagle.....	Queens Rubber Hood Company.
Elmor.....	Queens Rubber Hood Company.
Fleetfoot.....	New Jersey Rubber Company.
Fleetfoot 60.....	New Jersey Rubber Company.

Brand	Manufacturer
Gold Crown	Holtite Manufacturing Company.
Grippe	Holtite Manufacturing Company.
Gueting	Gueting Rubber Company.
Gueting Service	Gueting Rubber Company.
Hy Way	Holtite Manufacturing Company.
Hi Test	Holtite Manufacturing Company.
Leviathan	Victor Products Company.
New Yorker	Velveton Rubber Heel Corporation.
Regent	U. S. Rubber Company.
Reliance	U. S. Rubber Company.
Rite Pro	Bradstone Rubber Company.
Roamer	Monarch Rubber Company.
Royal Balloon	F & B Rubber Company.
Runner	Goodyear Tire & Rubber Company.
Skylark	Essex Rubber Company.
Slipknot	Plymouth Rubber Company.
Slipknot Double Duty	Plymouth Rubber Company.
Spartan	New Jersey Rubber Company.
Surestep	Panther Panco Rubber Company.
Tauko	New Jersey Rubber Company.
Velveton	Velveton Rubber Heel Corporation.
Weartex	Monarch Rubber Company.
Windsor	Hagerstown Rubber Company.

(5) "Corded" means rubber heels bearing the following brand names and made by the following manufacturers, provided that if they are manufactured after August 31, 1942, they must have a minimum abrasion of 30.⁵

CORDED

Brand	Manufacturer
Aristocrat Cord	O'Sullivan Rubber Company.
Cord Service	O'Sullivan Rubber Company.
Bilrite Cord-on	Panther Panco Rubber Company.
Goodyear Corded	Goodyear Tire & Rubber Company.
Gro-Cord	Lima Cord Sole & Heel Company.
Pancord Tuffgrip	Panther Panco Rubber Company.
Hy-bloc Cord-on-end	
U. S. Royal Cord	U. S. Rubber Company.

(6) Grades "V-1," "V-2," "V-3," and "V-4" mean rubber heels manufactured after August 31, 1942 which can meet the following physical tests:

⁵ A minus tolerance of two points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

Grade	Minimum abrasion ⁶	Tensile strength
V-1	25	1,000
V-2	20	830
V-3	15	660
V-4	10	490

⁶ A minus tolerance of two points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7792; Filed, August 10, 1942; 5:16 p. m.]

PART 1340—FUEL

[Amendment 15 to Maximum Price Regulation 120¹]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Maximum prices established for Size Groups 6 to 10, inclusive, under § 1340.213 (b) (2); for Size Groups 6 to 10, inclusive, under § 1340.214 (b) (2); for Size Groups 6 to 12, inclusive, under § 1340.215 (b) (2); and for Size Groups 6 to 12 inclusive, under § 1340.217 (b) (2) are amended as set forth below:

§ 1340.213 Appendix B: Maximum prices for bituminous coal produced in District No. 2. * * *

(b) * * *
(2) Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by-product).

Price classifications	Size group nos.									
	1	2	3	4	5	6	7	8	9	10
A	(*)	(*)	(*)	(*)	(*)	270	245	215	215	240
B	(*)	(*)	(*)	(*)	(*)	270	245	215	215	230
C	(*)	(*)	(*)	(*)	(*)	270	245	215	215	230
D	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210
E	(*)	(*)	(*)	(*)	(*)	270	245	215	215	205
F	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210
G	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210
H	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210
J	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210
K	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210
L	(*)	(*)	(*)	(*)	(*)	270	245	215	215	210

§ 1340.214 Appendix C: Maximum prices for bituminous coal produced in District No. 3. * * *

*Copies may be obtained from the Office of Price Administration.
¹ 7 F.R. 3168, 3447, 3801, 4336, 4342, 4404, 4540, 4541, 4700, 5053.

(b) * * *
(2) Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and byproduct).

Price classifications	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A	(*)	(*)	(*)	(*)	(*)	275	250	220	245	245
D	(*)	(*)	(*)	(*)	(*)	210	225	225	220	225
E	(*)	(*)	(*)	(*)	(*)	245	215	215	205	205
F	(*)	(*)	(*)	(*)	(*)	220	210	210	200	200
G	(*)	(*)	(*)	(*)	(*)	215	210	210	205	205
H	(*)	(*)	(*)	(*)	(*)	220	210	210	200	200
J	(*)	(*)	(*)	(*)	(*)	220	210	210	195	195

§ 1340.215 Appendix D: Maximum Prices for bituminous coal produced in District No. 4. * * *

(b) * * *
(2) Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel).

For shipment from all mines in freight origin districts	Prices and size group No.											
	1	2	3	4	5	6	7	8	9	10	11	12
Ohio No. 8	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Cambridge	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Hocking	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Farmington	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Crestonville	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Jackson	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Middletown	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Lecton	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220
Ohio Middle	(*)	(*)	(*)	(*)	(*)	220	195	185	220	170	220	220

§ 1340.217 Appendix F: Maximum prices for bituminous coal produced in District No. 6. * * *

(b) * * *
(2) Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel).

For shipment from all mines	Prices and size group No.											
	1	2	3	4	5	6	7	8	9	10	11	12
A	(*)	(*)	(*)	(*)	(*)	235	200	190	220	170	(*)	220

§ 1340.211a Effective dates of amendments. * * *

(p) Amendment No. 15 (§ 1340.213 (b) (2), § 1340.214 (b) (2), § 1340.215 (b) (2), § 1340.217 (b) (2) to Maximum Price Regulation No. 120 shall become effective August 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7786; Filed, August 10, 1942; 5:10 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[Amendment 5 to Maximum Price Regulation
152¹]

CANNED VEGETABLES

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.*

In § 1341.22 a new sentence is added to paragraph (g). Section 1341.22 (e) is revoked.

§ 1341.22. *Canner's maximum prices for canned vegetables.* * * *

(g) * * * Nothing in this Maximum Price Regulation No. 152 or in the General Maximum Price Regulation shall apply to the sale or delivery by canners of canned tomatoes and canned peas to the United States Department of Agriculture, or any purchasing agency thereof.

§ 1341.32. *Effective dates of amendment.* * * *

(e) Amendment No. 5 (§ 1341.22 (e), (g)) shall become effective August 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 10th day of August, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7793; Filed, August 10, 1942;
5:15 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Amendment 2 to Revised Ration Order 7²]
NEW ADULT BICYCLE RATION REGULATIONS

Sections 1391.7 (a) (1) and (a) (2) are amended to read as set forth below; and §§ 1391.7 (a) (5) and 1391.37 (b) are added:

Transfers for Use or Salvage

§ 1391.7 *Eligibility for certificates.* Subject to the quota provisions of Revised Ration Order No. 7, any of the following persons may obtain a certificate:

(a) A person who establishes the following:

(1) That he performs work or services as a:

(i) Physician, surgeon, osteopath, chiropractor, farm veterinarian, dentist, mid-wife, druggist, embalmer, who is licensed by the appropriate governmental agency, or public health nurse, or medical laboratory worker or technologist, or Red Cross or social worker engaged directly in caring for or preventing sickness or in promoting hygienic conditions; or

(ii) Regularly practicing minister of any religious faith who serves a congregation and who requires transportation to meet the religious needs of the locality

which he regularly serves; or religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render service of a religious nature to members of such faith and who requires transportation to render such religious services to members of such faith in the locality which he regularly serves; or

(iii) Person engaged in the maintenance of mail services by or on behalf of the United States; or

(iv) Person engaged in the maintenance of fire fighting services; or

(v) Person engaged in the performance of public police services; or

(vi) Duly elected or appointed agent, officer, employee, representative of a Federal, State, local, or foreign government or government agency, who is performing functions essential to the public health, safety or war effort; or

(vii) Worker (including executive, technician, or office worker but not including a salesman) or an employer's representative or representative of a labor organization whose services are necessary to the operation or functioning of, or to the maintenance of peaceful industrial relations at, any of the establishments or facilities listed below:

(a) Naval, military, or hospital establishments or facilities;

(b) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in production or distribution of heat, light, power, gas, steam, or water; or of irrigation, drainage, flood control, or sanitation systems; or of telephone, telegraph, radio, or other communication systems; or of newspapers;

(c) Industrial or extractive establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicles, ships, marine equipment, armament, implement or engine of war or necessary part thereof; or of any raw material, semi-processed or finished materials, supplies, or accessories necessarily used in the manufacture thereof, or of tools, machinery, or appliances essential to the manufacture or use thereof; or of munitions or fuels; or of essential medical supplies or essential food or clothing; or

(viii) Farm worker, commercial fisherman, seaman, or marine worker requiring transportation between his residence or lodging and his place of employment, or between places of employment; or

(ix) Representative of an employer, employer's organization, or labor organization, or any other person, recruiting or training workers for employment as agricultural workers, transportation workers, commercial fishermen, seamen, or marine workers, or for employment in any of the plants or establishments defined in subdivision (vii) of this paragraph; or

(x) Engineer, architect, technician, supervisor, repair or maintenance man or other worker (but not including a salesman), engaged in construction, repair, installation, or maintenance work or in rendering indispensable services of a

special nature to agricultural, extractive or industrial establishments. Services of a specialized nature shall include: services related to the natural and artificial breeding of livestock; branding; crop or livestock inspection in connection with the marketing or processing thereof; selection, grading, or processing of lumber or timber; inspection in connection with the improvement of farm sanitation; protection of crops, livestock or farms from blights, diseases or pests; soil conservation; discovery and location of minerals; and acquisition of mineral bearing and pipe line tracts;

(xi) Person engaged in, and requiring a bicycle for, delivery of messages, materials, goods and products essential to the public welfare or the war effort, including wholesale delivery and delivery to the ultimate user. Such messages, materials, goods and products include but are not limited to foods, drugs and medical supplies, radiograms, cables, telegrams, newspapers, magazines, periodicals, general hardware and commercial laundry; or

(xii) Member of the armed forces of the United States or state military forces organized pursuant to Section 61 of the National Defense Act as amended; or

(xiii) Person engaged in organized activities essential to the public health, safety or war effort, including but not limited to such activities of the following as are essential to the public health, safety or war effort: Army, Navy, American Red Cross, Office of Civilian Defense, Civil Air Patrol, Forest Fire Fighters Service, Selective Service System, United Service Organization; or

(xiv) Traveling salesman selling farm, extractive, or industrial equipment, foods or medical supplies, the distribution of which by such salesman is essential to the war effort; or

(xv) Public school teacher or public school official.

(2) That he needs a bicycle to travel to and from or in the performance of, the work or services listed in paragraph (1) of paragraph (a) of this section and that he will use the bicycle principally and not less than four days a week in traveling to and from or in the performance of such work or services.

Unless other circumstances require a contrary conclusion, an applicant shall be deemed to have established his need for a bicycle if he shows any of the following in connection with such work or services:

(i) He must travel quickly or frequently in delivering merchandise or messages, or in performing any other work or services mentioned above, and he would be better able to do so by bicycle than by walking or by using public transportation facilities; or

(ii) Without a bicycle and using the most convenient public transportation facilities, he would have to walk a total of at least 3 miles in going to and coming from his work or occupation; or

(iii) He would have to spend a total of at least 1½ hours, including necessary walking and waiting time, in going to and coming from his work or occupation by the use of public transportation facilities,

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

¹ 7 F.R. 3895, 3903, 4453.

² 7 F.R. 5062, 5871.

which time could be reduced by at least 30 minutes through the use of a bicycle; or

(iv) The available public transportation facilities are overcrowded; or

(v) A bicycle is clearly needed because of other circumstances.

(5) That he does not have available under appropriate rationing regulations any private means of transportation adequate for the purpose for which a bicycle is sought.

(i) No certificate shall be issued under this paragraph (5) to an applicant who has the use of an automobile or motorcycle equipped with tires for which he has obtained, in the area in which gasoline is rationed, a gasoline ration sufficient for the purpose for which a bicycle is sought, or which he could use for such purpose without impairing the eligibility of such vehicle for certificates under section 405 or 504 of the Tire Rationing Regulations: *Provided, however,* That this subparagraph (5) shall not prohibit the issuance of a certificate to an applicant who uses and will continue to use such automobile or motorcycle principally for delivery of newspapers, messages or commodities.

(ii) Under this subparagraph (5) an automobile or motorcycle shall not be deemed "available" if the applicant does not possess tires or a gasoline ration adequate for the purpose for which a bicycle is sought, regardless of whether or not the applicant might obtain for such purpose a new or recapped tire certificate under section 405 or 504 of the Tire Rationing Regulations, or a gasoline ration under sections 506, 602 or 702 of the Gasoline Rationing Regulations.

Effective Dates

§ 1391.37 *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1391.7 (a) (1), (a) (2), (a) (5)) to Revised Ration Order No. 7 shall become effective August 15, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supplementary Directive No. 1G, 7 F.R. 562, 3546)

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7787; Filed, August 10, 1942; 5:13 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 6 to Ration Order 5A]

GASOLINE RATIONING REGULATIONS

Paragraph (a), subparagraph (16), of § 1394.151, §§ 1394.201, 1394.1601 and 1394.1602 are amended; and a new paragraph (f) to § 1394.302, paragraph (d) to § 1394.403, paragraph (d) to § 1394.505, paragraph (d) to § 1394.605, paragraph (c) to § 1394.706, subparagraph (7) to

17 F.R. 5225, 5362, 5426, 5606, 5566, 5666, 5674, 5942.

paragraph (b) of § 1394.801, paragraph (c) to §§ 1394.1105, 1394.1513, and 1394.1631, and a new paragraph (g) to § 1394.1902, are added; as set forth below:

Definitions

§ 1394.151 *Definitions.* (a) * * *

(16) "Limitation area" means:

(i) The entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario, and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham, and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole, and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida; and

(ii) Limitation Area "A", which shall consist of the counties of Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming in the State of New York.

Scope of Ration Order No. 5A

§ 1394.201 *Territorial limitations.* (a) Except as otherwise expressly provided, Ration Order No. 5A shall apply only to the limitation area as defined in paragraph (a) (16), of § 1394.151.

(b) All of the provisions of this Ration Order No. 5A shall be applicable to Limitation Area "A," except to the extent to which they are inconsistent with the provisions of paragraph (f) of § 1394.302, paragraph (d) of § 1394.403, paragraph (d) of § 1394.506, paragraph (d) of § 1394.605, paragraph (c) of § 1394.706, paragraph (b) (7) of § 1394.801, paragraph (c) of § 1394.1105, § 1394.1513, paragraphs (b) and (c) of § 1394.1601, paragraph (b) of § 1394.1602 and § 1394.1631.

Administration and Personnel

§ 1394.302 *Jurisdiction of boards over issuance of rations.*

(f) The issuance of Basic rations in Limitation Area "A": *Provided,* That during the period from August 13 to August 21, 1942, inclusive, such rations shall be issued only by registrars, in accordance with § 1394.403.

Basic Rations

§ 1394.403 *Application for and issuance of basic rations.* * * *

(d) During the period from August 13, 1942, to August 21, 1942, inclusive, applications for Basic rations in Limitation Area "A" shall be made at any application site designated as such by the Office

of Price Administration, and Basic rations shall be issued only at such application sites during such period, in accordance with the provisions of this Section. Thereafter, applications shall be made to, and Basic rations shall be issued by, a Board: *Provided,* That, except for good cause shown for failure to apply at an application site, application may not be made to a Board prior to August 27, 1942. Four coupons numbered "1" shall be removed by the registrar from each Class A book issued prior to August 22, 1942. In the case of a Class A book issued between August 22, 1942, and September 21, 1942, four such coupons shall be removed by the Board and, in addition, one such coupon shall be removed for each full eight days which have elapsed between August 22, 1942, and the date of issuance. The Board shall remove from any Class A book issued on or after September 22, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the *valid period* during which such book is issued. Four coupons shall be removed by the registrar from each Basic Class D book issued prior to August 22, 1942. In the case of a Basic Class D book issued on or after August 22, 1942, four coupons shall be removed by the Board from each such book issued, and, in addition, one coupon shall be removed for each full eight days which have elapsed since August 22, 1942.

Supplemental Rations

§ 1394.505 *Issuance of supplemental rations.* * * *

(d) Class C books and Class D books marked "Supplemental" issued in Limitation Area "A" shall bear expiration dates three months from August 22, 1942, or the date of issuance, whichever is later.

Fleet Rations (For Fleet Passenger Automobiles and Motorcycles)

§ 1394.605 *Issuance of fleet rations.*

(d) Class C books and Class D books marked "Fleet" issued in Limitation Area "A" shall be valid for a period of three months from, and shall bear expiration dates three months from, August 22, 1942, or the date of issuance, whichever is later.

Service Rations

§ 1394.706 *Issuance of service rations.*

(c) The Board shall note on the face of S-1 or S-2 books, or Class D books marked "Service", issued in Limitation Area "A", the date of issuance (or August 22, 1942, whichever is later) and the date of expiration of such books, in accordance with the provisions of paragraph (b) of § 1394.704.

Special Rations

§ 1394.801 *Application for special rations.* * * *

(b) * * *

(7) To return a motor vehicle or boat which was, on August 22, 1942, away from the regular place of residence of the owner or person entitled to the use thereof to such regular place of residence, if such regular place of residence is located within Limitation Area "A".

* * *

Restrictions on Use of Rations and Gasoline

§ 1394.1105 *Restrictions on consumption of gasoline.* * * *

(c) Except as provided in § 1394.1102, paragraph (a) of § 1394.1104, and § 1394.1507, no person shall consume gasoline in Limitation Area "A" unless such gasoline was acquired by him or on his behalf in exchange for valid coupons: *Provided, That:*

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations in the limitation area) gasoline owned by him or in his possession in Limitation Area "A" prior to August 22, 1942;

(2) Any consumer may use gasoline owned by him and in his possession in Limitation Area "A" prior to August 22, 1942, for the operation of a registered motor vehicle, or for non-occupational boat operation, if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided, That* gasoline placed in the fuel supply tank of such vehicle or boat prior to August 22, 1942, may be used therein without restriction.

* * *

Restrictions on Transfers

§ 1394.1513 *Restrictions applicable to limitation area "A".* Sections 1394.1501 to 1394.1512, inclusive, shall become effective within Limitation Area "A" at 12:01 a. m., August 22, 1942.

* * *

Replenishment and Audit

§ 1394.1601 *Registration of inventory and capacity.* (a) Every dealer and intermediate distributor having a place of business within the limitation area shall take an actual physical inventory of his total gasoline supplies on hand as of his first opening of business on or after July 22, 1942 (or if there is no interruption of business, as of 12:01 a. m., of that date) and shall, on July 22 or 23, 1942, register (on Form OPA R-545 in duplicate) with the Board having jurisdiction of the area in which he has such place of business, at the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His total inventory of gasoline on hand as of his first opening of business on or after (or midnight beginning) July 22, 1942.

(2) His total gasoline storage capacity.

(3) His name, firm name, business address, and type of business.

(4) A certification as to the correctness of each of the foregoing items of information.

Separate registration shall be made by such dealer or intermediate distributor for each place of business within the limitation area where gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located: *Provided, however,* That any person a part of whose operations in any one state falls within the definition of a licensed distributor and a part within the definition of an intermediate distributor shall be treated as a licensed distributor and shall not be authorized to register.

(b) Every dealer and intermediate distributor having a place of business in Limitation Area "A" shall take an actual physical inventory of his total gasoline supplies on hand as of 12:01 a. m., August 22, 1942, and shall register on August 22 or 24, 1942, in the manner provided in paragraph (a) of this section.

(c) Every licensed distributor operating within Limitation Area "A" a service station, bulk plant, or similar place of business corresponding in nature and function to the place of business of a dealer or intermediate distributor, and every person receiving gasoline from a licensed distributor on consignment for purposes of sale, shall register such place of business (on Form OPA R-545 in duplicate) on August 22 or 24, 1942, with the Board having jurisdiction of the area in which he has such place of business, at the hours provided by the Board: *Provided, however,* That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a licensed distributor, or by a consignee, and a certification as to the correctness of this information. Any such place of business shall be deemed to be operated by a licensed distributor where gasoline deliveries made to such place of business are not on a sales basis but are treated only as a transfer of stock, title to the gasoline remaining in the licensed distributor until the time of actual sale, and the state motor fuel taxes are paid only on sales or receipts at such place of business and not on the transfer of stock thereto. Any such place of business shall be deemed to be operated by a consignee where the operator of such place of business holds gasoline on consignment from the licensed distributor, title to such gasoline remaining in the licensed distributor until the time of actual sale by the consignee.

§ 1395.1602 *What constitutes gasoline on hand.* (a) The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to his first opening of business on or after (or midnight begin-

ning) July 22, 1942. Gasoline shipped to a dealer or intermediate distributor prior to July 22, 1942, but received by him at any time after July 21, 1942, shall be deemed to be gasoline transferred to him subsequent to July 21, 1942, and shall require an exchange therefor of coupons or other evidences in the manner provided in §§ 1394.1607 and 1394.1609.

(b) The registrant having a place of business in Limitation Area "A" shall not register gasoline in transit which did not arrive at his place of business prior to 12:01 a. m., August 22, 1942. Gasoline shipped to such a dealer or intermediate distributor prior to August 22, 1942, but received by him at any time after 12:01 a. m., August 22, 1942, shall be deemed to be gasoline transferred to him subsequent to that time, and shall require an exchange therefor of coupons or other evidences in the manner provided in §§ 1394.1607 and 1394.1609.

* * *

§ 1394.1631 *Provisions applicable to limitation area "A".* §§ 1394.1601 to 1394.1630, inclusive, shall become effective within Limitation Area "A" at 12:01 a. m., August 22, 1942.

* * *

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(g) Amendment No. 6 (§§ 1394.151 (a) (16), 1394.201, 1394.302 (f), 1394.403 (d), 1394.506 (d), 1394.605 (d), 1394.706 (c), 1394.801 (b) (7), 1394.1105 (c), 1394.1513, 1394.1601, 1394.1602, and 1394.1631) to Ration Order No. 5A shall become effective August 10, 1942.

(Pub. No. 671, 76th Cong., 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2d Sess., Pub. No. 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562, 5216).

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7788; Filed, August 10, 1942; 5:10 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[Amendment 1 to Maximum Price Regulation 1941]

ALASKA

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

Subparagraph (2) of paragraph (a) of § 1418.52, and subdivision (v) of subparagraph (1) of paragraph (c) of § 1418.56 are amended to read as follows, and new subparagraphs (11) and (12) are

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

17 F.R. 5909.

added to paragraph (a) of § 1418.63, as set forth below:

§ 1418.52 *Maximum prices for commodities not actually produced or manufactured in the territory of Alaska.* (a) * * *

(2) Plus the amount of mark-up over the direct cost to the seller of the commodity sold during the period from November 7, 1941 to December 6, 1941, inclusive, which the seller added in his highest selling price for the same or similar commodity sold during such period to a purchaser of the same class, or if no sale was made during such period, the amount of such mark-up added by the seller in his highest selling price of such commodity to a purchaser of the same class, during the last thirty days prior to November 7, 1941, in which a sale was made:

Provided: That the price determined in accordance with this Section, if such price is not in line with the maximum prices of other similar sellers, may be adjusted by the Administrator of the Ninth Region of the Office of Price Administration, subject to review as provided in Procedural Regulation No. 7.²

§ 1418.56 *Records and reports.* * * *

(c) * * *
(1) * * *

(v) The highest price at which the seller sold to a purchaser of the same class a commodity, the same as or similar to such listed commodity during the period from November 7, 1941, to December 6, 1941, inclusive, or if the commodity was not sold during such period, then the highest selling price of such commodity to a purchaser of the same class during the last thirty days prior to November 7, 1941, in which a sale was made.

§ 1418.63 *Definitions.* (a) * * *

(11) "Purchaser of the same class", as used in this Maximum Price Regulation No. 194 refers to the different classes of purchasers created by any practice adopted by the seller in setting different prices for commodities in connection with sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or to purchasers located in different areas or of different quantities or under different conditions of sale. But if during the mark-up period provided in § 1418.52 of this Maximum Price Regulation No. 194, a seller (i) had an established practice of making allowances, discounts or price differentials to different classes of purchasers, and (ii) raised his general level of prices for a commodity but thereafter, during such mark-up period, made no delivery to any purchaser of a particular class, he shall, for that particular class of purchasers, calculate the highest selling price by taking the highest selling price during such mark-up period to a purchaser of another class

and then adjusting such price to reflect his established allowances, discounts and price differentials. No seller shall evade any of the provisions of this Regulation by changing his customary allowances, discounts or other price differentials.

(12) "Maximum Price", except where the context otherwise requires, means the maximum price established by Maximum Price Regulation No. 194 adjusted to the nearest nickel.

§ 1418.66 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1418.52 (a) (2), 1418.56 (c) (1) (v), and 1418.63 (a) (11) and (12)) to Maximum Price Regulation No. 194 shall become effective August 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7784; Filed, August 10, 1942;
5:16 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[Maximum Price Regulation 201]

VIRGIN ISLANDS

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 201 is hereby issued.

Sec.

- 1418.101 Prohibition against dealing in commodities above maximum prices.
- 1418.102 Maximum prices for commodities not actually produced or manufactured in the Virgin Islands of the United States.
- 1418.103 Less than maximum prices.
- 1418.104 Adjustable pricing.
- 1418.105 Evasion.
- 1418.106 Records and reports.
- 1418.107 Sales slips and receipts.
- 1418.108 Licensing.
- 1418.109 Registration of licenses.
- 1418.110 Enforcement.
- 1418.111 Applicability of other maximum price regulations.
- 1418.112 Petitions for amendment and applications for adjustment.
- 1418.113 Definitions.
- 1418.114 Applicability.
- 1418.115 Effective dates.

Authority: §§ 1418.101 to 1418.115, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1418.101 *Prohibition against dealing in commodities above maximum prices.* On and after August 17, 1942, with respect to any commodity not actually manufactured or produced in the Virgin Islands of the United States, regardless of any contract or obligation:

(a) No person shall sell or deliver in the Virgin Islands of the United States

*Copies may be obtained from the Office of Price Administration.
¹7 F.R. 971, 3663.

any such commodity for which a maximum price regulation is issued or may be issued in the continental United States at a price higher than the maximum prices established by this Maximum Price Regulation No. 201.

(b) No person, in the course of trade or business, shall buy or receive any such commodity at a price higher than the maximum prices established by this Maximum Price Regulation No. 201.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1418.102 *Maximum prices for commodities not actually produced or manufactured in the Virgin Islands of the United States.* (a) Except as provided in paragraph (b) of this § 1418.102, with respect to any commodity for which a maximum price has been established in the continental United States and which is not actually manufactured or produced in the Virgin Islands of the United States, the maximum price to a buyer in the Virgin Islands of the United States shall be:

(1) The direct cost to the seller of the commodity sold,

(2) Plus the amount of mark-up over the direct cost to the seller of the commodity sold during the period from November 7, 1941 to December 6, 1941, inclusive, which the seller added in his highest selling price for the same or similar commodity sold during such period to a purchaser of the same class, or if no such sale was made during such period, the amount of such mark-up added by the seller in his highest selling price of such commodity to a purchaser of the same class during the last thirty days prior to November 7, 1941, in which a sale was made: *Provided,* That the price determined in accordance with this section, if such price is not in line with the maximum prices of other similar sellers, may be adjusted by the Administrator of the Ninth Region of the Office of Price Administration, subject to review as provided in Procedural Regulation No. 7.²

(b) Where, a seller offered for sale or delivery to a buyer in the Virgin Islands of the United States any commodity for which a maximum price regulation has been issued in the Continental United States, and which is not actually produced or manufactured in the Virgin Islands of the United States, and the maximum price of such commodity cannot be determined under the provisions of paragraph (a) of this § 1418.102, the maximum price of such commodity shall be specifically authorized by the Administrator of the Ninth Region. The seller of such commodity shall file a sworn petition containing:

- (1) A description of the commodity.
- (2) A statement of the facts which prevent determination of the maximum price under paragraph (a) of § 1418.102.
- (3) The price charged by sellers of the same competitive class for the same or similar commodity.

(4) A statement of the direct cost of the commodity to the seller.

(5) The price at which the seller intends to offer the commodity for sale.

²7 F.R. 4779.

¹7 F.R. 4779.

(6) Such other facts which the seller deems relevant in the determination of a price for such commodity.

The Administrator of the Ninth Region shall authorize a price which is in line with the maximum prices of other similar sellers of the same or similar commodity, subject to review as provided in Procedural Regulation No. 7.

§ 1418.103 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 201 may be charged, demanded, paid or offered.

§ 1418.104 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1418.105 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 201 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities covered herein, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1418.106 *Records and reports—(a) Records to be kept.* (1) Every person making sales at wholesale of the commodities subject to this Maximum Price Regulation No. 201 shall, on and after September 1, 1942, or if a commodity becomes subject to this Regulation after September 1, 1942, then, on and after thirty days following the date it so becomes subject, keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase and each sale made by such person, showing the date thereof, the name and address of the buyer and seller, the direct cost thereof, the price paid or received, the mark-up charged by the seller, and the quantity purchased or sold.

(2) Every person making sales at retail of the commodities subject to this Maximum Price Regulation No. 201 shall, on and after September 1, 1942, or if a commodity becomes subject to this regulation after September 1, 1942, then, on and after thirty days following the date it so becomes subject, keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of the mark-up charged by the seller, each purchase made by the seller, the date thereof, the name and address of the person selling to the seller, the direct cost thereof, the price paid, and the quantity purchased by the seller.

(b) *Prices to be marked and posted.* On and after September 1, 1942, every person within the Virgin Islands of the United States, offering to sell or deliver at retail to a buyer in the Virgin Islands of the United States those cost-of-living commodities included in § 1499.25, Appendix B, of the General Maximum Price Regulation³ which are not actually produced or manufactured in the Virgin Islands of the United States, shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum prices may be marked on the commodities themselves or may be posted at the place in the establishment where the commodities are offered for sale, and may be posted by price lines if the selling price of each commodity is marked thereon. The maximum prices shall be indicated in the form "Ceiling Price \$-----" or "Our Ceiling \$-----".

(c) *Lists to be filed.* (1) Every person within the Virgin Islands of the United States, offering to sell or deliver to a buyer in the Virgin Islands of the United States those cost-of-living commodities included in § 1499.25, Appendix B, of the General Maximum Price Regulation³ which are not actually produced or manufactured in the Virgin Islands of the United States, shall file with the Regional Office of the Office of Price Administration, St. Thomas, Virgin Islands, not later than September 1, 1942, a statement, setting forth:

(i) A list of all such commodities offered for sale by such person and the selling price thereof.

(ii) The maximum price which the seller is permitted to charge for each such commodity under the provisions of this § 1418.106.

(iii) The direct cost, as defined herein, of every such commodity listed.

(iv) The amount of mark-up of every such commodity listed.

(v) The highest price at which the seller sold to a purchaser of the same class a commodity, the same as or similar to such listed commodity during the period from November 7, 1941, to December 6, 1941, inclusive, or if the commodity was not sold during such period, then the highest selling price of such commodity to a purchaser of the same class during the last thirty days prior to November 7, 1941, in which a sale was made.

(vi) The amount of mark-up which the seller added in the price submitted under subdivision (v) above.

(2) Every person offering to sell or deliver to a buyer in the Virgin Islands of the United States commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Virgin Islands of the United States, shall prepare, not later than September 1, 1942, on the basis of all available information and records, and thereafter keep for examination by

³ 7 FR. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058.

any person during ordinary business hours; a statement of the information required under subparagraph (1). Any person who claims that substantial injury would result to him from making such statement available to any other person may file the statement with the Office of Price Administration, St. Thomas, Virgin Islands. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Regulation.

(3) Supplementary statements shall be filed by the seller whenever his price for a commodity is lower or higher than the price previously submitted under paragraph (c) (1) (ii) of this § 1418.106.

(4) All statements submitted shall be signed under oath or affirmation.

(5) The statements required under this § 1418.106 shall be kept up-to-date by the seller by filing on the tenth day of every succeeding calendar month, a statement of the information required under paragraph (c) of this § 1418.106 for any commodity which became subject to this regulation during the previous calendar month.

§ 1418.107 *Sales slips and receipts.* Every seller at retail of the commodities subject to this Maximum Price Regulation No. 201 who has customarily given purchasers sales slips or receipts shall continue to do so. Upon request from a purchaser, every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the commodity sold, and the price received for it.

§ 1418.108 *Licensing—(a) License required.* A license as a condition of selling, is hereby required of every person subject to this regulation now or hereafter selling a commodity for which a maximum price is established by this Maximum Price Regulation No. 201.

(b) *License granted.* Every person subject to this regulation now or hereafter selling a commodity for which a maximum price is established by this Maximum Price Regulation No. 201 is hereby granted a license as a condition of selling any such commodity. Such license shall be effective on August 17, 1942, or when any person becomes subject to the maximum price provisions of this regulation, and shall, unless suspended as provided by the Act, continue in force so long as and to the extent that said regulation or any amendment or supplement thereto remains in force.

(c) *Licensing section of General Maximum Price Regulation superseded.* This § 1418.108 supersedes the provisions of § 1499.16 of the General Maximum Price Regulation insofar as said section may be applicable to persons selling any commodity for which a maximum price is established by this Maximum Price Regulation No. 201.

§ 1418.109 *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price

Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1418.110 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 201 are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the Office of Price Administration, St. Thomas, Virgin Islands, or the principal Office in Washington, D. C.

§ 1418.111 *Applicability of other maximum price regulations.* The provisions of this Maximum Price Regulation No. 201 supersede the provisions of all other maximum price regulations, except as otherwise provided herein, with respect to sales or deliveries of commodities for which maximum prices are established by this regulation.

§ 1418.112 *Petitions for amendment and applications for adjustment.* Persons seeking any modification of this Maximum Price Regulation No. 201, or an adjustment or exception not provided for herein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, or applications for adjustment in accordance with the provisions of Procedural Regulation No. 7, issued by the Office of Price Administration.

§ 1418.113 *Definitions.* (a) When used in this Maximum Price Regulation No. 201, the term:

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

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any purchaser for resale or to a commercial or industrial user.

(3) "Sale at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user, except that (i) a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him, and (ii) a "sale at retail" shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library or any agency of any of the foregoing.

(4) "Direct cost to the seller" means the price which the seller paid for the commodity, less discounts allowed to the seller plus all costs of shipment actually incurred by the seller.

(5) "Sales and deliveries to a buyer in the Virgin Islands of the United States" does not include sales from a seller outside the Virgin Islands of the United States to a purchaser in the Virgin Islands of the United States. Export sales, from a seller in the Continental United States to a purchaser in the Virgin Islands of the United States shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.⁴

(6) "Amount of mark-up" means the amount in dollars and cents which added to the amount of direct cost constituted the seller's price. It does not mean the percentage of mark-up.

(7) "Selling price" means the price for which a commodity is sold, offered for sale, or listed for sale.

(8) "To deliver" means to transfer actual possession of the commodity to the purchaser or to any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(9) "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(10) "Maximum Price Regulation", as used in this Regulation, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(11) "Purchaser of the same class", as used in this Regulation, refers to the different classes of purchasers created by any practice adopted by the seller in setting different prices for commodities in connection with sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or to purchasers located in different areas or of different quantities or under different conditions of sale. But if during the mark-up period provided in § 1418.102 of this Maximum Price Regulation No. 201, a seller (i) had an established practice of making allowances, discounts or price differentials to different classes of purchasers, and (ii) raised his general level of prices for a commodity but thereafter, during such mark-up period, made no delivery to any purchaser of a particular class, he shall, for that particular class of purchasers, calculate the highest selling price by taking the highest selling price during such mark-up period to a purchaser of another class and then adjusting such price to reflect his established allowances, discounts and price differentials. No seller shall evade any of the provisions of this Regulation by

changing his customary allowances, discounts or other price differentials.

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

§ 1418.114 *Applicability.* The provisions of this Maximum Price Regulation No. 201 shall be applicable to the Virgin Islands of the United States.

§ 1418.115 *Effective dates.* This Maximum Price Regulation No. 201 (§§ 1418.101 to 1418.115, inclusive) shall become effective August 17, 1942.

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7783; Filed, August 10, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation—Amendment 5 to Supplementary Regulation 14²]

TRANSPORTATION SERVICES OF CERTAIN MOTOR VEHICLE CARRIERS

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

A new subparagraph (6) is added to paragraph (a) of § 1499.73 as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

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

(6) *Transportation services of carriers by motor vehicle, other than common carriers within the exemption conferred by section 302 (c) of the Emergency Price Control Act of 1942.* (1) The maximum rate per net ton that may be charged by truck owners and operators for transporting coal from mines in Fayette, Westmoreland, and Greene Counties, Pennsylvania, to beehive coke ovens, or to barges on the Monongahela River, or to rail cars, all in Fayette, Westmoreland and Greene Counties, Pennsylvania for distances up to and including twenty-five miles, shall be:

10¢ per mile—for the first 2 miles.
6¢ per mile—for the next 3 miles.
5¢ per mile—thereafter.

5¢ per net ton additional for coal transported from stripping plants. 2¢ per net ton additional for accessorial services

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

¹ F. R. 3153, 3330, 3666, 3930, 3991, 4339, 4497, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5523, 5484, 5775, 5784, 5783, 6053, 6031.

² F. R. 5493, 5703, 6003, 5911.

⁴ F. R. 6059.

performed on contracts under which the contracting motor carrier operator assumes responsibility for the entire movement of the coal and supervises all trucks performing the transportation.

(b) *Effective date.* * * *

(6) Amendment No. 5 (§ 1499.73 (a) (6)) to Supplementary Regulation No. 14 shall become effective August 10, 1942. (Pub. Law, 421, 77th Cong.)

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7795; Filed, August 10, 1942;
5:16 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Order 46¹ under
§ 1499.3 (b) of General Maximum Price
Regulation²]

BRASS MILL PRODUCTS

An opinion setting forth the reasons for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.260 three new items are added to the second sentence in paragraph (c) (2) as set forth below:

§ 1499.260 *Method by which brass mills may determine maximum prices for brass mill products which cannot be priced under § 1499.2 of the General Maximum Price Regulation.* * * *

(c) * * *

(2) * * * It does not include die castings, friction bushings and bearings, or any rod, coil, wire, casting or other shape for which a maximum price is established by Revised Price Schedule No. 82, Wire, Cable and Cable Accessories,³ or Maximum Price Regulation No. 125, Non-Ferrous Castings,⁴ or Maximum Price Regulation No. 136, Machines and Parts,⁵ or any other regulation heretofore or hereafter issued by the Office of Price Administration.

* * * * *

(e) (1) Amendment No. 1 (§ 1499.260 (c) (2)) to Order No. 46 shall become effective August 15, 1942. (Pub. Law 421, 77th Cong.)

Issued this 10 day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7791; Filed August 10, 1942;
5:15 p. m.]

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

¹ 7 F.R. 5829.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081.

³ 7 F.R. 1358, 1836, 2133.

⁴ 7 F.R. 3202, 3990.

⁵ 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908.

PART 1499—COMMODITIES AND SERVICES
[Order 53 Under § 1499.3 (b) of General Maximum Price Regulation¹]

VAN STRAATEN CHEMICAL CO.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.267 *Approval of maximum prices for sales of lubricating and other metal working specialties, produced by the Van Straaten Chemical Company.*

(a) The maximum price per pound for sales by the Van Straaten Chemical Company, of Chicago, Illinois, of any lubricating and other metal working specialties manufactured by it, for which maximum prices cannot be established under § 1499.2 of the General Maximum Price Regulation, shall be the sum which bears the same percentage relationship to the sum of subparagraphs (1) and (2) below, as the net sales of the Van Straaten Chemical Company in March 1942, bore to the sum of raw material costs and manufacturing costs for all articles sold in that month, which percentage relationship is established in a statement filed by the Van Straaten Chemical Company.

(1) Raw material costs per unit, computed on the basis of actual prices (not to exceed the applicable maximum prices) paid for raw materials, and in any case not to exceed the highest price charged in March, 1942, by the actual supplier to a purchaser of the same class as the Van Straaten Chemical Company.

(2) Manufacturing costs, equal to the sum of the applicable unit costs prevailing during March 1942 for the operations used in making the article to be priced, as specified in a list of unit manufacturing costs filed by the Van Straaten Chemical Company with the Office of Price Administration.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942, on the sale by the Company of comparable products, shall apply to the maximum prices determined under paragraph (a).

(c) On or before the last day of each month, beginning with August 1942, the Van Straaten Chemical Company shall submit to the Office of Price Administration in Washington, D. C., an individual report in affidavit form for each product priced under this Order No. 53 during

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081.

the preceding month. Each such report shall include a description of the product so priced; a statement showing why the product cannot be priced under § 1499.2 of the General Maximum Price Regulation; the maximum price determined; and a detailed statement of the factors referred to in paragraph (a) of this Order which were used in the determination of such maximum price.

(d) Each price reported under (c) shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 53 (§ 1499.267) shall become effective August 11, 1942. (Pub. Law 421, 77th Cong.)

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7780; Filed, August 10, 1942;
5:14 p. m.]

PART 1340—FUELS

[Amendment 18 to Maximum Price Regulation 120¹]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Paragraph (a) of § 1340.205 is amended and a new paragraph (d) is added thereto to read as set forth below:

§ 1340.205 *Records and reports.* (a) Every producer and distributor making a sale of bituminous coal and every person making a purchase of bituminous coal from a producer or distributor in the course of trade or business, on and after May 18, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale or purchase showing the date thereof; the name and address of the buyer and of the person making the sale; the size, brand or trade name and quantity of the bituminous coal sold or purchased, together with the name of the mine at which it originated and the mine index number of such mine; the method of transportation employed in the delivery thereof; and the price received or paid therefor. * * *

(d) Persons subject to this Maximum Price Regulation No. 120 shall not be required to observe the provisions of paragraph (b) of § 1499.13 of the General Maximum Price Regulation.

¹ 7 F.R. 3168, 3447, 3901, 4336, 4343, 4404, 4540, 4541, 4700, 5059.

§ 1340.211a *Effective dates of amendments.* * * *

(g) Amendment 16 (§ 1340.205 (a) and (d)) shall become effective August 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7817; Filed, August 11, 1942;
11:39 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 54 Under § 1499.3 (b) of General Maximum Price Regulation¹]

PROCTER AND GAMBLE DISTRIBUTING CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§ 1499.268 *Approval of maximum prices for P & G White Laundry Soap and OK Laundry Soap for sale by Procter and Gamble Distributing Company.*

(a) On and after June 12, 1942, the maximum prices for the sale by the Procter and Gamble Distributing Company, a corporation having its principal place of business in Cincinnati, Ohio, of laundry soaps known as P & G White Laundry Soap and OK Laundry Soap shall be those hereinafter set forth:

(1) *Carload quantities.* (i) P & G White Laundry Soap in boxes of 100 cakes of 9.185 ounces each: \$3.7345 delivered.

(ii) OK Laundry Soap in boxes of 100 cakes of 10.1 ounces each: \$3.7830 delivered.

(2) *Less than carload quantities.* The same price differentials in effect by Procter and Gamble Distributing Company during March, 1942, for sales in less than carload quantities of the 10 ounce laundry soap heretofore manufactured by that company and known as P & G The White Naphtha Soap shall apply to sales in less than carload quantities of P & G White Laundry Soap and of the new 10.1 ounce bar of OK Laundry Soap.

(b) The same allowances and discounts in effect by Procter and Gamble Distributing Company in March, 1942, with respect to 10 ounce laundry soap heretofore manufactured by that company and known as P&G The White Naphtha Soap shall continue in effect for P&G White Laundry Soap and for the new 10.1 ounce bar of OK Laundry Soap.

(c) Procter and Gamble Distributing Company shall mail or cause to be mailed to all persons who purchase P&G White Laundry Soap and OK Laundry Soap from said Company, for which maximum prices are established in this

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

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081.

order, written notice as to the proper method for determining maximum prices for sales by such purchasers together with an explanation of the method of establishing maximum prices for sales of such soaps at retail, under the General Maximum Price Regulation. All persons who sell such soaps to persons who will sell them at retail shall mail or cause to be mailed copies to sellers at retail of such explanation of the method of establishing maximum prices for sales at retail.

(d) The authorization granted in this Order No. 54 shall terminate on October 1, 1942.

(e) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 54 (§ 1499.268) shall become effective as of June 12, 1942. (Pub. Law 421, 77th Cong.)

Issued this 11th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7818; Filed, August 11, 1942;
11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 55 Under § 1499.3 (b) of General Maximum Price Regulation¹]

DAVISON CHEMICAL CORP.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.269. *Approval of maximum prices for sale by Davison Chemical Corporation of Protek Sorb and Humidity Indicator Cards in special containers.*

(a) The maximum prices for the sale by Davison Chemical Corporation, Baltimore, Maryland, of Protek Sorb and Humidity Indicator Cards in special containers not delivered or offered for delivery during March 1942 shall be the sum of the following:

(1) The sum of the maximum prices to the class of purchaser enjoying the lowest net price or the highest rate of discount, for the sale by Davison Chemical Corporation of the individual packages of Protek Sorb and Humidity Indicator Cards placed in the special container, determined in accordance with the General Maximum Price Regulation;

(2) The actual cost of the special container, not to exceed the applicable maximum price;

(3) 5 per cent of the cost of the special container;

(4) The labor cost of packaging the special container, not exceeding the highest cost during March 1942 for similar labor.

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5270.

(b) All trade practices, and practices relating to the payment of shipping charges in effect in March 1942 on the sale by this corporation of comparable products shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 55 (§ 1499.269) shall become effective August 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7819; Filed, August 11, 1942;
11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 16 Under § 1499.18 (c) of General Maximum Price Regulation]

RAILROAD COMPANIES—TEMPORARY GRAIN DOORS

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

§ 1499.366 *Adjustment of maximum prices for railroad companies for temporary grain doors transferred to other railroads in a shipment of grain.* (a) The maximum price which a railroad company may receive for a temporary grain door which it sends with a car of grain on to the tracks of another railroad shall be its replacement cost of such door.

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

(c) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 16 (§ 1499.366) is hereby incorporated as a section of supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 16 (§ 1499.366) shall become effective August 17, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 11th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7816; Filed, August 11, 1942;
11:42 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 93, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension

of § 12.9 of the regulations of December 19, 1940,¹ for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing hunting within the Deer Flat National Wildlife Refuge, Idaho, are prescribed:

§ 22.221a *Hunting; Deer Flat National Wildlife Refuge, Idaho.* Until further notice, migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act regulations) and coots may be taken within the areas herein or hereafter described of the Deer Flat National Wildlife Refuge, Idaho, during the period prescribed for the taking of such birds in Idaho by the Migratory Bird Treaty Act regulations, in accordance with the provisions of the regulations dated December 19, 1940,² for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act, when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States within the following-described area of the refuge shall be open to hunting: All the lands of the refuge in secs. 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, and 30, except the area known as the Military Restricted Area that lies northwesterly of a straight line extending from the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said sec. 17 to a point near the center of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of the said sec. 30, all in T. 3 N., R. 3 W., Boise Meridian, Idaho.

(b) *State laws.* Any person while hunting within the refuge must comply with the applicable laws and regulations of the State of Idaho.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid hunting license issued by the State of Idaho, if such license is required, and, if hunting migratory waterfowl, a properly validated migratory-bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The said license and stamp must be exhibited upon the request of any representative of the Idaho Fish and Game Commission authorized to enforce the State game laws or any representative of the Department of the Interior. Upon request of the officer in charge, the licensee also must exhibit for inspection all birds killed by him or in his possession.

(d) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(e) *Hunting dogs.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(f) *Entry upon refuge; firearms.* Persons entering the refuge for the purpose of hunting shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shell on the refuge is prohibited.

(g) *Penalties.* Failure of a permittee to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

Dated: August 3, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-7798; Filed, August 11, 1942;
10:08 a. m.]

PART 22—MOUNTAIN REGION NATIONAL
WILDLIFE REFUGES
RED ROCK LAKES NATIONAL WILDLIFE REFUGE,
MONTANA

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940¹ for the administration of national wildlife refuges, the title and paragraph (a) of § 22.760 of the regulation² permitting hunting on the Red Rock Lakes Migratory Waterfowl Refuge, Montana, is amended to read as follows:

§ 22.760 *Red Rock Lakes National Wildlife Refuge, Montana*—(a) *Waterfowl hunting.* Pursuant to and in accordance with the provisions of the regulations dated December 19, 1940,¹ for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act, migratory waterfowl (except those species not permitted to be taken under the Migratory Bird Treaty Act regulations and all species of geese) and coots may be taken during the period prescribed for the taking of such birds in Montana by the said

Migratory Bird Treaty Act regulations, if permitted by State law, within the area of the Red Rock Lakes National Wildlife Refuge, Beaverhead County, Montana, hereinafter described.

Dated: August 3, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-7799; Filed, August 11, 1942;
10:08 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 29-A 4]

DUBUQUE, IOWA, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Dubuque, Iowa, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the applicable rules of practice and procedure thereunder (6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the Court Room of the Federal Building, Dubuque, Iowa, beginning at 10:00 a. m., c. v. t., August 19, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.²

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

a. Proposed by Dubuque Cooperative Dairy Marketing Association:

1. Delete § 912.1 (a) (3) and substitute therefor the following:

(3) The term "producer" means any person who has been certified by the Dubuque Department of Public Health as one who produces milk in accordance with the Grade A milk requirements of the Milk Ordinance of the City of Dubuque, Iowa, irrespective of whether such a person is also a handler, and who produces milk which is received at the plant of a handler from which milk or cream is disposed of in the marketing area or which is caused to be delivered by a handler to a plant from which no milk is disposed of in the marketing area.

¹ 5 F.R. 5284.

¹ 5 F.R. 5284.

² 2 F.R. 2082; approved September 30, 1937.

¹ 6 F.R. 6393.

2. Delete § 912.3 (b) (1) and substitute therefor the following:

(1) Class I milk shall be all milk and skim milk disposed of as milk, butter-milk, milk drinks whether plain or flavored, and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

3. Delete § 912.3 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all milk disposed of as cream, for consumption as cream, including any cream products in fluid form which contain less than the minimum butterfat content required for fluid cream, and as creamed cottage cheese.

4. Delete § 912.3 (b) (3) and substitute therefor the following:

(3) Class III milk shall be all milk specifically accounted for as used to produce evaporated milk, condensed milk, ice cream mix, unsalted butter, or any milk product other than those specified in Class II milk and Class IV milk.

5. Delete § 912.3 (b) (4) and substitute therefor the following:

(4) Class IV milk shall be all milk specifically accounted for as used to produce cheese, other than creamed cottage cheese, butter, and all milk accounted for as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk from producers.

(6) Delete § 912.4 (a) (4) and substitute therefor the following:

(4) For Class III milk—the price shall be the result of the following computations by the market administrator: determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content receive during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per pound of Twins during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing prices of Twins at Chicago as reported by the United States Department of Agriculture shall be used), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9.

Concern:	<i>Location of plants</i>
Amboy Milk Prod. Co.	Amboy, Ill.
United Milk Products Co.	Argo Fey, Ill.
Dean Milk Co.	Belvidere, Ill.
Borden Co.	Dixon, Ill.
Libby, McNeill & Libby Co.	Morrison, Ill.
Carnation Milk Co.	Oregon, Ill.
Dean Milk Co.	Pearl City, Ill.
Dean Milk Co.	Pecatonica, Ill.
Borden Co.	Sterling, Ill.
Pet Milk Co.	Schullsburg, Wis.

Provided further, That for that portion of the Class III milk specifically accounted for as used by the handler to produce ice cream mix or unsalted butter, the price shall be as computed above for Class III milk less 5 cents per hundredweight. (Also to be used if any ice cream mix is included in Class III.)

7. Delete § 912.4 (a) (5) and substitute therefor the following:

(5) For Class IV milk—the price shall be the result of the following computation by the market administrator: multiply by 2.4 the average weekly prevailing price per pound of Twins during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prices of Twins at Chicago as reported by the United States Department of Agriculture shall be used), and multiply such result by 3.5: *Provided further*, That for that portion of the Class IV milk specifically accounted for as used by the handler to produce a product other than cheese, except cottage cheese, the price shall be the result of the following computations by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received and add:

(i) 10 percent thereof when such average price of 92-score butter is less than 30 cents;

(ii) 15 percent thereof when such average price of 92-score butter is 30 cents or over, but less than 35 cents;

(iii) 20 percent thereof when such average price of 92-score butter is 35 cents or over, but less than 40 cents; and

(iv) 25 percent thereof when such average price of 92-score butter is 40 cents or over.

8. Delete the word "cream" in the third line of § 912.5 (a) and substitute therefor the words "milk products."

9. Delete § 912.5 (a) (5) and substitute therefor the following:

(5) The respective quantities of milk and milk products which were disposed of for the purpose of classification pursuant to § 912.3.

10. Add to § 912.5 (a), as § 912.5 (a) (6), the following:

(6) The respective butterfat tests of such milk and milk products.

11. Renumber §§ 912.7 (b) (3), (4), (5), (6), as §§ 912.7 (b) (4), (5), (6), (7), and add as § 912.7 (b) (3) the following:

(3) Subtract the total amount to be paid non-Grade A producers pursuant to § 912.8 (a) (3).

12. Delete in § 912.8 (a) (1) the words "To producers" and substitute therefor the words, "To Grade A Producers."

b. Proposed by handlers:

1. Delete in § 912.3 (b) (4) the phrase "of milk from producers" and substitute therefor the phrase "of butterfat."

Proposed by Dairy and Poultry Branch, Agricultural Marketing Administration, United States Department of Agriculture:

1. Revise in § 912.1 (a) the term "handler."

2. Revise § 912.3 (a) so as to specify with greater particularity the basis of classification of milk, particularly with respect to interplant movements of milk.

3. Add a paragraph to § 912.3 establishing the burden of proof of classification of milk.

4. Include in § 912.3 language which will set forth the manner in which the market administrator shall compute the amount of milk in each class.

5. Add a paragraph to § 912.3 providing for the reconciliation of total utilization of milk by classes with receipts of milk from producers,

(1) Where total utilization is less than the receipts of milk from producers, and

(2) Where total utilization is greater than the receipts of milk from producers.

6. Substitute in § 912.5 (a) the phrase "or milk products" for the phrase "or cream" together with the revisions necessitated elsewhere by this amendment.

7. Add to § 912.5 (a) a requirement of reports of handlers on the butterfat content of the receipts specified in subparagraphs (1), (2), (3), and (4).

8. Amend § 912.5 dealing with reports by handlers so as to provide that reports by producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall be in a form and at a time elected by the market administrator, and further amend § 912.5 by specifying fully the nature of the reports which are to be verified, the manner of verification, and the responsibilities of the handlers in connection with such verification.

9. Add a paragraph to § 912.6 which provides the method and manner of payment for milk received by handlers from sources determined as other than producers or other handlers.

10. Add a paragraph to § 912.6 which provides for payment to producers for milk or butterfat in excess of receipts apparent on the basis of handlers' reports.

11. Delete § 912.7 (a) and substitute therefor a new § 912.7 (a) which will set forth the manner in which the market administrator shall compute the net pool obligation of handlers.

12. Revise § 912.8 (a), so as to provide the time and method of payment to producers for milk, deleting § 912.8 (e).

13. Reconsider the amount and method of arriving at the butterfat differential provided pursuant to § 912.8 (b).

14. Revise § 912.9 dealing with expense of administration so as to subject handlers to administrative assessment on all milk handled.

15. Provide in § 912.10 for the making of marketing service deductions on receipts from sources other than other handlers, including receipts from handler's own production.

16. Provide such amendments as may be necessitated by the above proposed revisions.

17. Revise the definition of "Secretary" in § 912.1 (a) (9) to include any

person who may be authorized to exercise the powers and perform the duties of the Secretary.

18. Add a new section, as follows:

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

Copies of this notice of hearing and of Order No. 12, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1019 South Building, Washington, D. C., or may be there inspected.

Dated: August 10, 1942.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.¹

[F. R. Doc. 42-7803; Filed, August 11, 1942;
11:08 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4772]

KOCH LABORATORIES, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the Matter of Koch Laboratories, Inc., a corporation; William F. Koch, individually, and as an officer of Koch Laboratories, Inc.; and Louis G. Koch, individually, and as an officer of Koch Laboratories, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, September 1, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 859, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656)

will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7806; Filed, August 11, 1942;
11:15 a. m.]

[Docket No. 4778]

JOHNSON SMITH & CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Alfred Johnson Smith, Paul Smith, and Arthur Smith, copartners, doing business as Johnson Smith & Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 31, 1942, at two o'clock in the afternoon of that day (eastern standard time) in Room 921, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7807; Filed, August 11, 1942;
11:16 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 11 Under Revised Price Schedule 57—
Wool Floor Coverings]

HARDWICK & MAGEE COMPANY

APPROVAL OF MAXIMUM PRICES

On June 23, 1942; Hardwick and Magee Company, Philadelphia, Pennsylvania, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57, for permission to manufacture two new fabrics and for approval of maximum prices thereof. These new fabrics were designated in the application as A667 and A668.

¹ 7 F.R. 1314, 1836, 2000, 2132.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Hardwick and Magee Company may sell, offer to sell or deliver the following new fabrics at prices no higher than those specified:

A667 at \$3.70 per square yard, f. o. b. mill;
A668 at \$3.91 per square yard, f. o. b. mill;

subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum prices for Diamond and Beaucraft, respectively, as established by Revised Price Schedule No. 57. The differentials between the maximum square yard f. o. b. mill prices, and the cut-order, extra size and zone prices of A667 and A668 shall be no less favorable than the differentials, as established by Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill prices, and the cut-order, extra size, and zone maximum prices of Diamond and Beaucraft, respectively.

(b) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 11 shall become effective on the 11th day of August, 1942.

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7783; Filed, August 10, 1942;
5: 13 p. m.]

[Order 12 Under Revised Price Schedule 57—
Wool Floor Coverings]

STRONG RUG COMPANY

APPROVAL OF MAXIMUM PRICES

On June 2, 1942, Felix Varese, doing business as the Strong Rug Company, New York City, hereinafter called applicant, filed an application, pursuant to § 1352.4 of Revised Price Schedule No. 57, for approval of maximum prices of certain rugs designated as Strong-Tex.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accord-

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

¹ 7 F.R. 1314, 1836, 2000, 2132.

ance with the provisions of Procedural Regulation No. 1,¹ it is hereby ordered:

(a) Felix Varese, doing business as the Strong Rug Company, may sell, offer to sell, deliver, or transfer Strong-Tex rugs at prices no higher than those set forth below:

(1) To dealers: 9' x 12'—\$23.20 f. o. b. mill, subject to regular carpet terms of 4%, 10 days, 60 days extra, or 5% 10 days.

(2) To distributors: 9' x 12'—\$20.00 f. o. b. mill, net 10 days.

The differential between the maximum f. o. b. mill price for the 9' x 12' size and the maximum prices for all other sizes shall be no less favorable than the differentials between the f. o. b. mill price of the 9' x 12' size and such other sizes in effect on February 2, 1942. Thirty cents may be added to all of the above maximum f. o. b. mill prices on each article, for deliveries in the New York metropolitan district.

(b) This Order No. 12 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 12 shall become effective on the 11th day of August, 1942.

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7784; Filed, August 10, 1942; 5:13 a. m.]

[Order 4 Under Maximum Price Regulation 148²—Dressed Hogs and Wholesale Pork Cuts]

UPCHURCH PACKING CO., INC.
[Docket No. 3148-7]

PETITION FOR ADJUSTMENT GRANTED

On June 9, 1942, Upchurch Packing Co., Inc., 16 Brady Avenue NW., Atlanta, Georgia, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1³ issued by the Office of Price Administration, it is hereby ordered:

(a) Upchurch Packing Co., Inc., may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess

of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from Upchurch Packing Co., Inc.

(b)

	<i>Cents per pound</i>
Skinned hams fresh or frozen.....	23
Skinned shoulders fresh or frozen.....	27
Smoked hams fresh or frozen.....	32
Baked hams.....	52
Bolled hams.....	47½
Barbeque hams.....	52
Boneless smoked hams.....	45
Dry seedless square cut bellies.....	18½
Dry seedless regular bellies.....	17½
Smoked regular picnic.....	27
Smoked shankless picnic.....	23
Boston butts fresh or frozen.....	23½

(c) The permission granted to the Upchurch Packing Co., Inc., in this Order No. 4 is subject to the following condition: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Upchurch Packing Co., Inc., may sell or deliver or agree, offer, solicit, or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit, or attempt to buy or receive from Upchurch Packing Co., Inc., each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein. This Order No. 4 shall become effective August 11, 1942.

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7785; Filed, August 10, 1942; 5:15 p. m.]

[Order 10 Under Revised Price Schedule—Wool Floor Coverings]

THE MAGEE CARPET COMPANY
APPROVAL OF MAXIMUM PRICES

On June 30, 1942, The Magee Carpet Company, Bloomsburg, Pennsylvania, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture four new cotton fabrics and for approval of maximum prices thereof. These new fabrics are designated in the application as Nos. 7, 11, 15 and 17.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Reg-

ister.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ it is hereby ordered:

(a) The Magee Carpet Company may sell, offer to sell or deliver the following new fabrics at prices no higher than those specified:

- No. 7 at \$3.23 per square yard, f. o. b. mill;
- No. 11 at \$3.36 per square yard, f. o. b. mill;
- No. 15 at \$2.33 per square yard, f. o. b. mill;
- No. 17 at \$3.69 per square yard, f. o. b. mill;

subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum prices for Par, as established by Revised Price Schedule No. 57. The differentials between the maximum square yard f. o. b. mill prices, and the cut order, extra size and zone prices of Nos. 7, 11, 15 and 17 shall be no less favorable than the differentials, as established by Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill price, and the cut-order, extra size, and zone maximum prices of Par.

(b) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 10 shall become effective on the 11th day of August 1942.

Issued this 10th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7782; Filed, August 10, 1942; 5:11 p. m.]

[Suspension Order 6 Under Tire Rationing Regulations]

ALFRED STIDHAM TIRE COMPANY
ORDER RESTRICTING TRANSACTIONS

Alfred Stidham, doing business as Alfred Stidham Tire Company, 1336 Fourteenth Street NW., Washington, D. C., herein called respondent, is engaged in selling tires and tubes and is subject to the Tire Rationing Regulations² and the Revised Tire Rationing Regulations³ issued by the Office of Price Administration. There was duly served on respondent a notice of specific charges of violations of the Tire Rationing Regulations, and a notice of hearing thereon. Pursuant to said notice a hearing upon said charges was held on June 10, 1942 in Washington, D. C. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence was duly considered by the Deputy Administrator, and Suspension Order No. 3 under the Tire Rationing Regulations, restricting trans-

¹7 F.R. 971, 3663.

²7 F.R. 72.

³7 F.R. 1027.

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

¹7 F.R. 971, 3663.

²7 F.R. 3821, 4342.

³7 F.R. 971, 3663.

¹7 F.R. 1314, 1836, 2000, 2132.

actions by Alfred Stidham and Alfred Stidham Tire Company in the manner and to the extent therein set forth, was issued on July 25, 1942.

Thereafter on July 29, 1942 a stay of said Suspension Order No. 3 was granted by the Deputy Administrator until the further order of the Deputy Administrator.

Respondent having submitted further evidence which has been considered by the Deputy Administrator and having this day filed in the Office of The Secretary of the Office of Price Administration a Waiver and Consent from which it appears, among other things, that while the respondent asserts his innocence of any wilful and intentional violation of the Tire Rationing Regulations or the Revised Tire Rationing Regulations, he nevertheless has consented and does consent to the making and issuance of the Order now about to be issued, without any findings of fact, upon condition that his consent to the entry of said Order shall not constitute or be considered an admission, and the issuance of said Order, or the Order itself, shall not constitute or be considered an adjudication, that the respondent has in fact wilfully and intentionally violated said Tire Rationing Regulations or Revised Tire Rationing Regulations.

It is therefore ordered:

(a) That said Suspension Order No. 3 be and it hereby is rescinded.

(b) During the period in which this Suspension Order No. 6 shall be in effect,

(1) Respondent, his successors or assigns, shall not accept any deliveries or transfers of, nor in any manner directly or indirectly receive from any source any new or recapped or retreaded passenger type tires or new tubes primarily designed for use with passenger type tires,

(2) Respondent, his successors or assigns, shall not accept any purchase orders or enter into any contracts or commitments for the sale or delivery of, nor in any manner directly or indirectly sell, transfer, or deliver any new or recapped or retreaded passenger type tires or new tubes primarily designed for use with passenger type tires, except that the sales or contracts of sale of passenger type tires heretofore entered into by the respondent with the following parties with respect to the number of tires indicated, and any tubes which may be included in said sales or contracts of sale, may be completed and the tires or tubes delivered in accordance with the Revised Tire Rationing Regulations:

White House garage.....	1
Republic of Belgium.....	18
Republic of Ecuador.....	3
Republic of Nicaragua.....	3

(3) No person shall in any manner directly or indirectly sell, transfer or deliver any new or recapped or retreaded passenger type tires or new tubes primarily designed for use with passenger

type tires to respondent, his successors or assigns, regardless of whether such new or recapped or retreaded passenger type tires or new tubes primarily designed for use with passenger type tires have been previously purchased and completely paid for.

(c) Nothing in this Order shall be construed to prohibit respondent from receiving and recapping or retreading tires the carcasses of which are supplied to respondent by other persons for recapping or retreading on behalf of such persons and redelivering such retreaded or recapped tires to such persons.

(d) Any terms used in this Order that are defined in the Revised Tire Rationing Regulations shall have the meaning there given them.

(e) This Order shall become effective immediately and unless sooner terminated shall expire 12:01 A. M., September 27, 1942. (Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925); O.P.M. Supplementary Order M-15-c (6 F.R. 6792).)

Issued this 8th day of August 1942.

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 42-7781; Filed, August 10, 1942; 5:09 p. m.]

[Order 13 Under Revised Price Schedule 64¹—
Domestic Cooking and Heating Stoves]

FLOYD-WELLS COMPANY

APPROVAL OF MAXIMUM PRICES

On May 8, 1942, Floyd-Wells Company, Royersford, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for two new models of coal ranges, designated in the application as Models 301-300 and 401-400.

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Floyd-Wells Company may sell, offer to sell or deliver the following new model coal ranges at prices no higher than those specified:

Model 301-300.....	<i>f. o. b. factory</i> \$44.70
Model 401-400.....	53.70

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum

¹ 7 F.R. 1329, 1836, 2132.

prices for the respective comparable models, 80-19 G-9 and 80-19 H-9, as established under Revised Price Schedule No. 64.

(b) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 13 shall become effective on the 12 day of August, 1942.

Issued this 11th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7820; Filed, August 11, 1942; 11:39 a. m.]

WAR PRODUCTION BOARD.

[Certificate No. 8]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

The Attorney General:

Pursuant to the provisions of section 12 of Public Law No. 603, 77th Congress, I enclose Recommendation No. 48¹ of the Petroleum Coordinator for War, which I have approved.

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 recommendation is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 7, 1942.

[F. R. Doc. 42-7801; Filed, August 11, 1942; 10:41 a. m.]

[Certificate No. 9]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

THE ATTORNEY GENERAL:

Pursuant to the provisions of section 12 of Public Law No. 603, 77th Congress, I enclose Recommendation No. 41¹ of the Petroleum Coordinator for War, which I have approved.

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 recommendation is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 7, 1942.

[F. R. Doc. 42-7802; Filed, August 11, 1942; 10:41 a. m.]

¹ Not filed as part of the original document.