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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RECRUITMENT AND PLACEMENT

Section 18.4 *Recruitment and placement* issued, as amended, on September 26, 1942 (7 F.R. 7723) is amended as follows:

§ 18.4 *Recruitment and placement.*

(e) *Minimum period of service required* is hereby revoked.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

OCTOBER 27, 1942.

[F. R. Doc. 42-11202; Filed, November 2, 1942; 11:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 19—FEES

NATIONAL FARM LOAN ASSOCIATION FEES

Sections 19.4006 and 19.4007 are hereby revoked and §§ 19.4003, 19.4005, 19.4008 and 19.4009 are hereby amended to read as follows:

§ 19.4003 *Appraisals to be made by associations.* An appraisal shall be made by the association's loan committee or its investigator in connection with all applications for loans made through national farm loan associations before they are forwarded to the Federal land bank. When the local appraisal report is favorable, and the loan committee is unanimous in its approval thereof, the application may be handled in either of two ways:

(a) It may be acted upon by the association's board of directors before it is forwarded to the Federal land bank. If this procedure is followed, the application shall be forwarded to the Federal land bank immediately following the board's action, even though rejected by the association for a land bank loan.

(b) It may be forwarded to the Federal land bank before it is acted upon by the association's board of directors. If this procedure is followed, the original copy of the application shall be promptly forwarded to the bank. A duplicate copy of the application, including the association appraisal report and the recommendations of the loan committee, shall be retained by the secretary-treasurer and presented to the association's board of directors at its next meeting. The secretary-treasurer shall certify to the bank, on a form to be prescribed by the bank, the board's action (i. e., whether the application is rejected or approved, and, if approved, the amount of the loan approved) immediately following the meeting of the board: (Sec. 10, 39 Stat. 369, as amended, secs. 33, 34, 48 Stat. 49, as amended; 12 U.S.C. 751, 752, 1017, 1018)

§ 19.4005 *Application fee where appraisal is to be made.* Associations may collect an association application fee of not more than \$5.00 in connection with each application for \$5,000.00 or less, and an association application fee of not more than \$10.00 in connection with each application for over \$5,000.00: *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. This fee may be collected at the time the application is filed. It may be retained by the association regardless of whether the loan is rejected or closed as a land bank loan, a Commissioner loan, or a joint land bank and Commissioner loan. (Sec. 11 "Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375, secs. 33, 34, 48 Stat. 49, as amended; 12 U.S.C. 761 "Third", 831 (d), 1017, 1018)

§ 19.4008 *Closed loan fees.* When a land bank loan is closed, associations may collect a closed loan fee in an amount which, when added to the association application fees already collected, will equal but not exceed 1 percent of the amount of the land bank loan closed. The application fees provided in § 19.4005 may be retained by associations even though the loan is rejected or the amount of such fees is more than 1 percent of the land bank loan closed, but in such event no closed loan fee may be collected. (Sec. 11

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"Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375; 12 U.S.C. 761 "Third", 831 (d)

§ 19.4009 *Additional-loan fees.* When an applicant for a loan offers as security therefor property which is mortgaged, in whole or in part, to a Federal land bank, the Federal Farm Mortgage Corporation, or both, the provisions of § 19.4005 and the last sentence of § 19.4008 shall apply in determining the amount of the application fee which may be collected and retained by the association through which such application is submitted, except that the maximum association application fee which may be collected in accordance with § 19.4005 shall be based upon the difference between the amount of the loan applied for and the total unmatured principal, as of the date of the application, of the outstanding loan held by the bank or the Corporation or

both. Where, upon the basis of such application, a Federal land bank loan is closed through an association which endorsed the outstanding land bank loan, the association may, whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding loan, collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount of the new note or notes which represents other than principal of the outstanding bank loan unmaturing as of the date of the application. Where, upon the basis of such application, a Federal land bank loan is closed through a different association than that which endorsed the outstanding land bank loan, or through an association if only a loan held by the Federal Farm Mortgage Corporation was outstanding, the association may collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount for which it endorses the land bank loan. (Sec. 11 "Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375; 12 U.S.C. 761 "Third", 831 (d))

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42-11175; Filed, November 2, 1942;
9:58 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT
Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

AUTHORIZED DECORATIONS

Sections 78.1 (a) (8), 78.2 (h) and 78.6 (d), are hereby redesignated 78.1 (a) (9), 78.2 (i) and 78.6 (e), respectively, and new §§ 78.1 (a) (8), 78.2 (h), 78.4 (d) and 78.6 (d) are added as follows:

§ 78.1 *Authorized decorations.*¹ (a) The authorized decorations of the United States awarded by the War Department are:

- (1) Medal of Honor.
- (2) Distinguished-Service Cross.
- (3) Distinguished-Service Medal.
- (4) Silver Star.
- (5) Purple Heart.
- (6) Soldier's Medal.
- (7) Distinguished-Flying Cross.
- (8) Air Medal.
- (9) Oak-Leaf Cluster. (40 Stat. 870-872, 41 Stat. 398, 44 Stat. 789; 100 U.S.C. 1403-1409, 1411, 1429) [Par. 1, AR 600-45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

§ 78.2 *To whom decorations awarded.* * * *

(h) *Air Medal.* (1) The Air Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States subsequent to September 8, 1939, has distinguished or shall distinguish himself by meritorious

¹ 6 F.R. 2676, 2707, 4812; 7 F.R. 1413, 3219, 3351, 4602, 7477.

achievement while participating in an aerial flight. This decoration will be awarded in those cases where the act of meritorious service does not warrant the award of a Distinguished-Flying Cross. See E.O. 9153, May 11, 1942 (sec. III, Bull. 25 W.D., 1942, and E.O. 9242-A, September 11, 1942 (sec. III, Bull. 49, W.D., 1942)).

(2) The provisions of paragraph (g) (3) (i) of this section apply also to the Air Medal.

(3) Such civilians serving with the Army of the United States as may distinguish themselves by meritorious achievement while participating in an aerial flight are also eligible for the award of the Air Medal.

(i) *Oak-leaf Cluster.* * * *

(4) *Air Medal.* The provisions of subparagraph (1) of this paragraph apply also to the Air Medal. (40 Stat. 871; 10 U.S.C. 1411) [Pars. 13½ and 14, AR 600-45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

§ 78.4 *Posthumous award.* * * *

(d) *Air Medal.* The provisions of paragraph (c) of this section apply also to the Air Medal. (40 Stat. 871; 10 U.S.C. 1409) [Par. 17f, AR 600-45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

§ 78.6 *Replacement.* * * *

(d) *Air Medal.* The provisions of paragraph (c) of this section apply also to the Air Medal.

(e) *Engraving.* An authorized replacement will be engraved the same as the original. See also § 78.5 (40 Stat. 871; 10 U.S.C. 1416) [Par. 19, AR 600-45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-11174; Filed, November 2, 1942;
9:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 244]

COMMERCIAL PILOT CERTIFICATES FOR FRIENDLY ALIENS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of October 1942.

It appearing that:

1. Citizens of friendly foreign governments have been assigned for training in the Civilian Pilot Training course; and
2. Many of these trainees have satisfactorily completed Civilian Pilot Training courses, including the elementary, secondary, cross-country and instructor training; and
3. It is in the interest of the war effort to employ many of these trainees as flight instructors and as pilots in commercial operations in the United States; and
4. In order for these trainees to be eligible to serve as flight instructors and pilots in commercial operations they must possess commercial certificates and

appropriate ratings issued pursuant to the Civil Air Regulations; and

5. Such trainees cannot obtain commercial pilot certificates because their governments do not have agreements with the United States for the granting of reciprocal commercial pilot privileges to citizens of this country, as required in § 20.142 of the Civil Air Regulations; and

6. There may be other equally qualified friendly aliens who have not obtained their training in the Civilian Pilot Training Program but who might be equally valuable as commercial pilots or instructors.

The Board finds that:

Its action is desirable in the public interest and is necessary for the successful prosecution of the war.

Now, therefore, the Civil Aeronautics Board acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation effective immediately:

Notwithstanding the provision of § 20.142 of the Civil Air Regulations relating to reciprocal agreements with foreign governments, but subject to the other provisions of said section and to all other sections of the Civil Air Regulations, citizens of friendly foreign governments may be issued commercial pilot certificates and appropriate ratings, valid "only for the duration of the war and not to exceed six months thereafter." This limitation may be removed upon the execution of a reciprocal agreement by these foreign governments with the United States.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11177; Filed, November 2, 1942;
10:33 a. m.]

[Order, Serial No. 2001]

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

REAR POSITION LIGHTS

Order postponing effective date of Amendment 15-1.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of October 1942.

Whereas, The Civil Aeronautics Board, at a regular session held at its office in Washington, D. C., on February 21, 1942, adopted Amendments Nos. 04-9, 04-10, 15-1, 60-59, and 60-60, Civil Air Regulations; and

Whereas, The Board ordered such amendments to become effective July 1, 1942; and

Whereas, The Board, at a regular session held at its office in Washington, D. C., on June 26, 1942, ordered that the effective date of Amendments Nos. 04-9, 04-10, 15-1, 60-59, and 60-60 be postponed to November 1, 1942; and

It appearing that:

Certain material required in the manufacture of the lights and mechanisms described in Amendment No. 15-1¹ will not be available in time to permit scheduled

¹ 7 F.R. 1710, 4938.

air carriers to install such lights and mechanisms by November 1, 1942.

Now, therefore, The Civil Aeronautics Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended:

Orders, That the effective date of Amendment No. 15-1 be, and hereby is, postponed to January 1, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11178; Filed, November 2, 1942;
10:39 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3729]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED DRUG COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Quantity*. In connection with offer, etc., in commerce, of respondent's face powders and other cosmetic products, selling said products in containers or packages of a size or capacity substantially larger than that required for packaging the quantity of product actually contained therein, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Drug Company, Docket 3729, October 26, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent (together with a motion to dismiss the complaint), testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; 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, United Drug Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's face powders and other cosmetic products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Offering for sale or selling respondent's products in containers or packages of a size or capacity substantially larger than that required for packaging the quantity of product actually contained therein.

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.

It is further ordered, That the respondent's motion to dismiss the complaint herein be, and it hereby is denied.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11143; Filed, October 31, 1942;
11:44 a. m.]

[Docket No. 4591]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UTAH BEVERAGE AND DISTRIBUTING COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. In connection with offer, etc., of candies, gums, nuts, glassware, clocks, handkerchiefs, or any other merchandise, (1) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with merchandise or separately, which are to be used, or may be used, in selling or distributing respondents' merchandise, or any merchandise, to the public; and (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Utah Beverage and Distributing Company, Docket 4591, October 27, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1942.

In the Matter of Ben Arnovitz and Wilford Arnovitz, Individuals, Trading and Doing Business as Utah Beverage and Distributing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondents), testimony and other evidence in support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and 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, Ben Arnovitz and Wilford Arnovitz, individually and trading as Utah Beverage and Distributing Company, or trading under any other name, and their 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 candies, gums, nuts, glassware, clocks, handkerchiefs, or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with merchandise or separately, which are to be used, or may be used, in selling or distributing respondents' merchandise, or any merchandise, to the public.

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

It is further ordered, That the respondents 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. 42-11179; Filed, November 2, 1942;
10:59 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

MAXIMUM RATIO OF AGGREGATE INDEBTEDNESS TO NET CAPITAL

Rule prescribing for brokers and dealers subject to its jurisdiction a maximum ratio of aggregate indebtedness to net capital of 2000 per cent.

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 15 (c) and 23 (a) thereof, hereby adopts the following § 240.15c3-1 [Rule X-15C3-1]:

§ 240.15c3-1 *Ratio of aggregate indebtedness to net capital*. (a) No broker or dealer shall permit his aggregate indebtedness to all other persons (exclusive of indebtedness secured by exempted securities) to exceed 2,000 per centum of his net capital (exclusive of fixed assets and value of exchange memberships).

(b) The provisions of this rule shall not apply to any broker or dealer who (1) does not extend credit to any person to whom he sells or for whom he purchases any securities, and (2) does not carry money or securities for the account of customers or owe money or securities to customers, except as an incident to transactions with or for customers which are promptly consummated by payment or delivery: *Provided*, That credit shall not be deemed to be extended by reason of a bona fide delayed delivery of any such security against full payment of the entire purchase price thereof upon such delivery within thirty-five (35) days after such purchase.

(c) This rule shall not become effective until further order of the Commission and, in any event, not earlier than January 1, 1943.

(Sec. 2, 52 Stat. 1075; 15 U.S.C. 780; sec. 23, 48 Stat. 901; sec. 3, 49 Stat. 1379; 15 U.S.C. 78w.)

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11114; Filed, October 30, 1942;
3:11 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT 4 TO REVISION III

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 4 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision III of August 10, 1942 (7 F.R. 6282), is hereby promulgated.

By direction of the President:

CORBELL HULL,
Secretary of State.

D. W. BELL,
Acting Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General.

JESSE H. JONES,
Secretary of Commerce.

MILO PERKINS,
Executive Director,

Board of Economic Warfare.

NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

OCTOBER 30, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the surname.

Personal-name prefixes such as *de*, *la*, *von*, etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cia.; Comp.

Compañía Anónima; C. A.; Comp. Anón. Sociedad; Soc.

Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

(4) For an explanation of the use of the symbol following each addition in this supplement see General Notes, Revision III.

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Heinrich, Hans Werner.—Humberto I 2031 y Malabla 2561, Buenos Aires. III-4.

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L. S. 2 Radio Prieto Broadcasting.—Bolívar 1356, Buenos Aires. III-4.

Laboratorios Apice.—Humberto I 1739, Buenos Aires. III-4.

Lemm Bustos, Jorge.—Buenos Aires. III-4.

Leonardini Hermanos.—Garay 1058, Buenos Aires. III-4.

Ludorf, Pablo.—Pasteur 1302, Vicente López, B. A. III-4.

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"Midos" Compañía Argentina Financiera y Fideicomisaria S. de R. L.—25 de Mayo 145, Buenos Aires. III-4.

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"Naumann"—Independencia 401, Buenos Aires. III-4.

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Pucci, Lorenzo.—Bahía Blanca. III-4.

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Rahe, Guillermo.—Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III-4.

Rocamora, Guillermo Ricardo.—Santa Fe 3934, Buenos Aires. III-4.

Rosmino, Atilio.—Corrientes 424, Buenos Aires. III-4.

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Ruppert, Helmuth.—Bebadero 2712, Buenos Aires. III-4.

Rustom y Hnos., Rachid A.—Reconquista 1010, Buenos Aires. III-4.

Schriefer, Erwin.—Avenida Presidente Roque Sáenz Peña 760, Buenos Aires. III-4.

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Bolivia

Vaca Guzmán, Roberto.—Santa Cruz. III-4.

Vargas Bozo, Jorge.—Avenida Ecuador 696, La Paz. III-4.

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Agencia "O. K."—Rua Torquato Bahia 3, Edifício Magalhães, São Salvador, Bahia. III-4.

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Beneficiadora Paulista de Algodão.—Rua São Bento 405, São Paulo. III-4.

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Bluhm, Escritorios Guilherme.—Fortaleza, Ceará, and all branches in Brazil. III-4.

Borges, Hugo Macuco.—Rua do Comercio 98, Santos. III-4.

Buehler, Eugenio.—Rua Uruguayana 22, Rio de Janeiro. III-4.

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Colonizadora Hanséatica, Cia.—Hamônia, Santa Catharina. III-4.

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Espindola, Bruno.—Florianópolis, Santa Catharina. III-4.

Exportação Rubiac Ltda.—Rua São Bento 405, São Paulo. III-4.

Fábrica de Parafusos São Paulo, Ltda.—Rua Dr. João Ribeiro 521, São Paulo. III-4.

Fábrica Metalúrgica Diana Ltda.—Rua Teófilo Ottoni 35, Rio de Janeiro, and Rua Lilazes 20, Jacarepaguá, D. F. III-4.

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Indústrias Brasileiras Textis—Químicas Ltda.—Rua Catharina Braida 71-79, São Paulo. III-4.

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Kaehler, Otto J.—Rua Torquato Bahia 3, Edifício Magalhães, São Salvador, Bahia. III-4.

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¹ Owned by T. R. Baedecker, Bucaramanga.

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AMENDMENTS

Argentina

Relative to Fischer, Máximo.—Venezuela 2047, Buenos Aires, see footnote 2.

For López, J. Mario.—25 de Mayo 140, Buenos Aires, substitute López, I. Mario.—25 de Mayo 140, Buenos Aires.

For Vicum y Cía. S. de R. L., Carlos.—Malvinas 180, Buenos Aires; and General Martín Rodríguez 324-36, Adrogué, F. C. S., substitute Vicum y Cía. S. de R. L., Carlos.—Cangallo 362, Buenos Aires; and General Martín Rodríguez 324-36, Adrogué, F. C. S.

Bolivia

For Borda, José Vicenio.—España 501, Cochabamba, substitute Borda Vicenio, José.—España 501, Cochabamba.

For Hochstetter, Francisco.—Aniceto Arce 21-23, Sucre, substitute Hochstätter, Francisco.—Aniceto Arce 21-23, Sucre; and Potosí.

For Hochstetter, Juan.—Aniceto Arce 21-23, Sucre, substitute Hochstätter, Juan.—Aniceto Arce 21-23, Sucre; and Potosí.

For Hochstetter Hnos.—Aniceto Arce 21-23, Sucre, substitute Hochstätter Hnos.—Aniceto Arce 21-23, Sucre; and Potosí.

For Yutaka, Imon.—Sagárnaga 227, La Paz, substitute Imon, Yutaka.—Sagárnaga 227, La Paz.

Chile

For Bar Alemán.—La Serena, substitute Restaurant Bar y Hotel Berlín.—La Serena.

For Casa Sedylan.—Viel 1896, Santiago, substitute Sedylan, Fábrica de Tejidos Ltda.—Avenida Vicuña Mackenna 3150, Santiago.

Colombia

For Ruehle, Wilhelm.—Medellín, substitute Ruehle, Wilhelm.—Calle 50 No. 49-55, Medellín.

Nicaragua

For Brachtl, Karl.—Managua, substitute Brachtl, Karl (Carlos)—Managua.

¹ Owned by T. Werner.

² Not to be confused with Máximo Fischer, Cevallos 258 y Artayeta Castex 571, Olivos.

Panama

For Bazaar "Tokyo"—Avenida Central 141, Panamá, substitute Bazaar "Tokyo"—Panamá.

For Lage-Schulte, H.—Avenida Balboa 10.087, Colón, substitute Lage-Schulte, H.—Colón.

For Shiraiishi, Miyuki.—Avenida Central 141, Panamá, substitute Shiraiishi, Miyuki.—Panamá.

For Wegener, Sigfrido.—4 de Julio 3 (Apartado 1225), Panamá, substitute Wegener, Sigfrido.—Panamá.

For Yoshida & Co., M. T.—Avenida Central 141, Panamá, substitute Yoshida & Co., M. T.—Panamá.

Peru

Relative to Hamann, A. C.—Abancay (Compás de la Concepción) 358 (Casilla 370), Lima, see footnote 3.

Venezuela

For Novarro, Luis.—Ciencias 7, Maracaibo, substitute Novarro, Luis.—Ciencias 7, Maracaibo.

DELETIONS

Argentina

Aurelio, Francisco.—Pavón 4068-70, Buenos Aires.

Cápano, Julio.—Méjico 628, Buenos Aires.

Kalmar, Hugo.—Maipú 429, Buenos Aires.

Bolivia

Arce, Armando.—Colón 236, La Paz. Barber & Co., Sucrs., Alfredo W.—Riberalta.

"La Calle"—Colón 236, La Paz. Mertens, Carlos.—Riberalta. Sonnenschein, Adela.—Riberalta. Sonnenschein, Carl.—Riberalta. Sonnenschein, Carlos.—Riberalta. Sonnenschein, Hermanos.—Riberalta.

Brazil

Casa dos Presentes Ltda.—Largo São Francisco 66, São Paulo.

Chile

Braumüller S., Gerardo.—Santa Beatriz 273, Santiago.

Marín, Juan R.—Coquimbo.

Saelzer y Schwarzenberg, Ltda.—San Carlos 115 y Pérez Rosales 600, Valdivia; Ramírez esquina Bulnes y Ramírez 914, Osorno; and all branches in Chile.

Schwarzenberg Thater, Pablo.—Valdivia.

Costa Rica

Chacón, Alberto.—Puntarenas. El Bolsín.—San José. Pastelería del Correo.—San José.

Dominican Republic

Langa, Antonio.—Ciudad Trujillo. Sotomayor, Emeterio.—Ciudad Trujillo.

El Salvador

Beneficio "San José"—Zacatecoluca, La Paz.

Seoane, José María.—Zacatecoluca, La Paz.

² Not to be confused with Carlos Hamann, Edificio Jesús Nazareno, Ayacucho 113, Oficina 101, Lima.

Peru

Fleischmann, Yoeno.—Callao 152, Lima.

Molino Oriental.—20 de Septiembre, Lima.

Uruguay

I.N.T.E.L.A.S., Industria Nacional Tejidos en Lana, Algodón, Seda.—Avenida General Flores 2965, Montevideo.

Industria Nacional Tejidos en Lana, Algodón, Seda.—Avenida General Flores 2965, Montevideo.

Slowak, Roberto.—Nelson 3209, Montevideo.

Zambra Hermanos.—Agraciada 3909, Montevideo.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS ADDITIONS

Iran

Akhavan, Jafa.—Tehran. III-4.

Akhavan, Sherkat Nesbi.—Khabano Boozarjomehri, Tehran. III-4.

Akhavan, Sherkat Tazamoni Mohammed Hussein Kashani & Sons (Kashani, Sherkat Tazamoni Mohammed Hussein Akhavan & Sons).—Serai, Hadji Hassan, Tehran. III-4.

Portugal and Possessions

Portugal

Almeida, Francisco Teixeira de.—Logar de Gervide (Quinta de S. Joao), Oliveira do Douro. III-4.

Almeida, Joaquim Ribeiro de.—Lisbon. III-4.

Avadic, Solly.—Hotel Victoria, Lisbon. III-4.

Borges, Joao Antunes Moura.—Rua da Prata 59, Lisbon. III-4.

Caldeira, Manuel Goncalves.—Rua da Prata 59, and Rua Tenente Ferreira Durao 2, Lisbon. III-4.

Castilho, Augusto Correia Pereira.—Rua Bernardim Ribeiro 57, Lisbon. III-4.

Chain (Sain), Aristide.—Rua Bernardim Ribeiro 57, Lisbon. III-4.

Dias, Jose Candido.—Rua das Flores 282, Oporto. III-4.

Dithmer, Kurt.—Rua Pinto Bessa 306, Oporto. III-4.

Fabrica do Casal—Artur Goncalves da Silva.—Rua 14 de Outubro 241-249, Vila Nova de Gaia. III-4.

Fonseca, Emidio Macedo da.—Rua Tomaz Ribeiro 83, Lisbon. III-4.

Fontes, M. Ltda.—Rua Elisio de Melo 28, Oporto. III-4.

Frederico, Firmino Goncalves.—Rua 31 de Janeiro 57, Oporto. III-4.

Frederico, Manuel (Manuel Goncalves Frederico Sequeira Cesar).—Rua 31 de Janeiro 57, Oporto. III-4.

Geral de Comercio Imperio, Soc.—Rua Bernardim Ribeiro 57, Lisbon. III-4.

Kirschen, Henry.—Rua Bernardim Ribeiro 57, Lisbon. III-4.

Lafoes Industrial Ltda.—S. Pedro do Sul. III-4.

Marimon, Henrique.—Rua do Cruzeiro a Ajuda 10, Lisbon. III-4.

Mineira do Norte de Portugal, Cia.—Rua 31 de Janeiro 109, Oporto. III-4.

Moniz, Mario de Sousa Botelho.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III-4.

Moraes, Francisco.—Rua Tomaz Ribeiro 83, Lisbon. III-4.

Peixoto, Joao.—Rua Elisio de Melo 28, Oporto. III-4.

Rebello, Jose Carlos Amador.—Rua Lusiano Cordeiro 54, Lisbon. III-4.

Recolhas Ltda., Soc. de (Garagem Grandela).—Rua Tomaz Ribeiro 83, Lisbon. III-4.

S. E. T. E. L. I.—Soc. de Transportes e Empreendimentos Ltda.—Travessa do Abarracamento de Peniche 7, Lisbon. III-4.

Sain (Chain), Aristide.—Rua Bernardino Ribeiro 57, Lisbon. III-4.

Silva, Alexandre Marques da.—Bodiosa, Vizeu. III-4.

Silva, Artur Goncalves da (Fabrica do Casal).—Rua 14 de Outubro 241-249, Vila Nova de Gaia. III-4.

Silva, Dr. Joao Andre Duarte.—Rua Teofilo Braga 1, Lisbon. III-4.

Silva, Virgilio Filipe Pereira da.—Rua Tomaz Ribeiro 83, Lisbon. III-4.

Transportes e Empreendimentos Ltda., Soc. de (S. E. T. E. L. I.).—Travessa do Abarracamento de Peniche 7, Lisbon. III-4.

Trevisani, Giovanni.—Rua, Miguel Bombarda, Ermezinde. III-4.

Tungstenia Ltda.—Rua Elisio de Melo 28, Oporto. III-4.

Varela, Joaquim-dos Santos.—Ave. de Berna, and Alameda das Linhas de Torres 261, Lisbon. III-4.

Angola

Ahlefeldt, Kai Von.—Dembos. III-4.

Dieken, Edmund.—Loanda. III-4.

Fazenda Moxixe.—Munenga, Libolo. III-4.

Krueck, Elsa.—Munenga, Libolo. III-4.

Krueck, Erwin.—Munenga, Libolo. III-4.

Roca Novo Minhho.—Dembos. III-4.

Madeira

Pastelaria, Iris.—Funchal. III-4.

Sacco, Ferdinando.—Funchal. III-4.

Sacco, Pierino.—Funchal. III-4.

Spain and Possessions

Spain

Astigarraga, Hijos de.—Bertendona 4-1, Bilbao. III-4.

Avadic, Sollr.—Hotel California, Jose Antonio 38, Madrid. III-4.

Bachia, Cia. Nav. (Owners of S.S. "Bachi", "Bartolo", "Juan de Astigarraga", "Kauldi", "Manuchu", and "Tom").—Bertendona 4-1, Bilbao. III-4.

Bachmann, Max.—Palamos, Palafrugell. III-4.

Canizal Alonso, Jesus.—San Pablo 68, Salamanca. III-4.

Dahlman, Erik.—Valparaiso 5, Seville. III-4.

Diego Pallido, Maximiliano.—San Pablo 68, Salamanca. III-4.

Diego S.A., Gregorio.—San Pablo 68, Salamanca. III-4.

Esteva Girbau, Francisco.—Jose Antonio 11, Palafrugell. III-4.

Esteva, Joaquin.—Sena y Avelil, Palafrugell. III-4.

Esteva & Cia., S.L.—Palamos, Palafrugell. III-4.

Fabregat Cabre, Antonio.—Barcelona. III-4.

Fabregat Cabre, Enrique.—Barcelona. III-4.

Gerzon S.A., Jules.—Bigay, 4, Barcelona, and Prado 29, Madrid. III-4.

Grosse, Joaquin A.—Bruch 148, Barcelona. III-4.

Hernandez, Juan Francisco.—San Pablo 68, Salamanca. III-4.

Kurztisch, Federico.—Paris 127, Barcelona. III-4.

Larrinaga, viuda de (Benito de Valle y Hnos.—Sucrs. de la viuda le Larrinaga).—Ballen 5 and 7, Bilbao. III-4.

Lenhardt Pastore, Domingo.—Genova 8, Madrid. III-4.

Madruza, Esteban.—San Pablo 68, Salamanca. III-4.

Niessen, Guillermo.—Renteria, Guipuzcoa. III-4.

Productos Carlen.—Genova 8, and Gil Baus, Prosperidad, Madrid. III-4.

Productos Ideal Patent Contact S.A.—Elisa 7, Torre, Barcelona. III-4.

Querschfeld, George.—Ciscar 28, Valencia. III-4.

Rischak, Luis.—Maria Molina 16, Madrid. III-4.

Schott, Carlos.—Via Layetana 47, Barcelona. III-4.

Semmler, Juan.—Mejico 11, Madrid. III-4.

Valle y Hnos., Benito de (Sucrs. de la viuda de Larrinaga).—Ballen 5 and 7, Bilbao. III-4.

Wagener, Walter.—Alcala 28, and Nunez de Balboa 72, Madrid. III-4.

Canary Islands

Doreste Morales, Manuel.—Triana 40, Las Palmas, Grand Canary. III-4.

Jaen Diaz, Domingo.—La Puntilla 21, San Cristobal, Las Palmas. III-4.

Kamphoff, Arthur.—Apartado 295, Las Palmas. III-4.

Sweden

Digestor A/B.—Birger Jarlsgatan 38, Stockholm. III-4.

Mattsson, Harriet.—Kungsgatan 30, Stockholm. III-4.

Philipsons Automobil A/B.—St. Eriksgatan 117, Stockholm. III-4.

Philipsons Forsaljnings A/B.—St. Eriksgatan 117, Stockholm. III-4.

Savabini, Anatolio.—Birger Jarlsgatan 38, Stockholm. III-4.

Switzerland

Ahag Handelsaktiengesellschaft.—Bahnhofstr. 80, Zürich. III-4.

Boiter-Fütter A.G.—Buchs, St. Gallen. III-4.

Bumann, Hans.—Freistr. 16, Basel. III-4.

Buser, E. & F.—Tiergartenstr. 5, Liestal, and Butzenweg 476, Sissach, Baselland. III-4.

Buser, Gebr.—Hemlikon, Baselland. III-4.

Eichenberger, S.A., Paul.—Reu de Geneve 7, Lausanne, and Liebefeld, Bern. III-4.

Fruchtzucker und Getranke A.G.—Hohlstr. 507, Zürich. III-4.

Handels und Industriewerte A.G. Für.—Glarus. III-4.

Handelsgesellschaft Intercambio G.m. b.H.—Unterstadt, Zofingen, and Markt-gasse 24, Bern. III-4.

Hauser, Paul.—Rümelstr. 10, Neuall-schwil. III-4.

Huber, August (Internationale Transporte und Inkasse).—Salmsasacherstr. 1-717, Romanshorn, Thurgau. III-4.

Hurzeler, Willy.—Freistr. 16, Basel. III-4.

Importations de Combustibles S. A., Soc. Generale de (Sogico).—Rue de Chantepoulet 4, Geneva. III-4.

Intercambio G. m. b. H., Handelsgesellschaft.—Unterstadt, Zofingen, and Markt-gasse 24, Bern. III-4.

Muller, Friedrich Peter.—Zofingen. III-4.

Nord Transport A. G.—Elisabethenstr. 2, Basel. III-4.

Primeurs S. A.—Gare C. F. F., Neuchatel. III-4.

Privee de Gestion S. A. Soc.—Rue St. Pierre 12, Fribourg. III-4.

Salpal S. A., des Plieuses Automatiques.—Ave. Dapples 54, Lausanne. III-4.

Scheller, Henry.—Sihlstr. 34, Zürich. III-4.

Schmalfilm A. G.—Spiegelhofstr. 28, Zürich. III-4.

"SOGICO" Soc. Generale de Importations de Combustibles S. A.—Rue de Chantepoulet 4, Geneva. III-4.

South American Investment Co. Ltd.—Sudamerikanische Beteiligungsgesellschaft A. G.—Stadthausquai 7, Zürich. III-4.

Stahl, Richard.—Hardstr. 162, and Hebelstr. 92, Basel. III-4.

Straehli, K. F., G. m. b. H.—Rebberg, Zofingen. III-4.

Sudamerikanische Beteiligungsgesellschaft A. G. (South American Investment Co. Ltd.).—Stadthausquai 7, Zürich. III-4.

Suter-Oes, Walter.—Thiersteineralle 13, Basel. III-4.

Weiss & Co., Walthner.—Freistr. 16, P. O. Box 1817, Basel. III-4.

Weiss-Mullerlelle, Karl.—Freistr. 16, Basel. III-4.

Widmer, Jakob.—Wohlen, Aargau. III-4.

Zingg, A. E.—Schaffhauserstr. 474, Glattbrugg, and Siewerdstr. 4, Zürich. III-4.

Turkey

Alhavan, Habib.—Istanbul. III-4.

Alhavan, Morteza Kashani (Kashani, Morteza Alhavan).—Istanbul. III-4.

Benardut (Benardouth) Misel.—Germany Han 13, Istanbul. III-4.

Boriou, A. Servas.—Istanbul. III-4.

Dabkovich (Dabkovic), Christoph.—P. O. Box 1360, Istanbul. III-4.

Dabkovich, Mrs. Bekky.—P. O. Box 1360, Istanbul. III-4.

"Datert".—Kara Mustafa Cad 141, Istanbul. III-4.

Köves de Kövezhazs, Lothar.—Kara Mustafa Cad 141, Istanbul. III-4.

Macar Kirayi Duna Tengernayozasi Resveni Taraasag.—Kara Mustafa Cad 141, Istanbul. III-4.

Macar Kralliyeti Deniz ve Nehir Seyrüsefain A. S.—Kara Mustafa Cad 141, Istanbul. III-4.

Menapir ve Seriki Komandit Sir Yusuf.—Kara Mustafa Cad 141, Istanbul. III-4.

Türk Macar Nakliyat Sti. Yusuf Menapir ve Seriki Komandit Sirketi.—Kara Mustafa Cad 141, Istanbul. III-4.

Winterhalter, Alfred.—Kara Mustafa Cad 141, Istanbul. III-4.

AMENDMENTS

Morocco

Tangier International Zone

Relative to Botbol, A. J. for Tangier, substitute and Paseo Cenarro, Tangier.

Portugal

Relative to Agencia Comercial Portuguesa Ltda. for Rua dos Sapateiros 39, substitute Rua da Prata 59.

For Garagem Grandella, substitute Garagem Grandela Soc. de Recolhas, Ltda.

For Olst, Otto, substitute Holst, Otto. Relative to Simoes, Virgilio Duque, delete (Owner of S. S. "Mareante").

Spain

For Barreras, Gaspar Masso, substitute Barreras Masso, Gaspar.

Relative to Benito, Tomas for Pintor Sorolla 23, substitute Plaza Alfonso el Magnanimo I, and Pintor Sorolla 29.

Relative to Comercial Maritima de Transportes S. A. Cia., add M. V. "Mari-bel."

Relative to Construcciones Agricolas Soc. Anon. de (S. A. C. A.) for Gago 5, substitute Jovellanos 8.

Relative to Intercambio Comercial Espanol for Pintor Sorolla 23, substitute Pintor Sorolla 29.

For Mompo, Luis.—Pintor Sorolla 23, substitute Mompo Soriano, Luis.—Pintor Sorolla 29.

For Mompo, Hijo de J. Antonio.—Pintor Sorolla 23, Valencia, substitute Mompo S. A., Hijo de J. Antonio.—Pintor Sorolla 29, Valencia.

For Riveras de la Portilla, Senora Angel, substitute Riveras de la Portilla Erika Hegin.

Relative to S. A. C. A.—Soc. Anon. de Construcciones Agricolas for Gago 5, substitute Jovellanos 8.

Relative to Salvador, Juan, add and Apodaca 23, Tarragona.

Relative to Schering S. A., Productos Quimicos, add and Via Layetana 12, Barcelona.

Sweden

Relative to Nording A/B for Biblioteksgatan 3, substitute Birger Jarlsgatan 55.

Switzerland

For Akomfina A. G. für Kommerzielle und Finanzielle Angelegenheiten, substitute Akomfina A. G.

Relative to Iselin, Dr. Felix for Basel, substitute Aeschenvorstadt 38, and Rittergasse 17, Basel.

For Magerle Gebr. G.m.b.H., substitute Maegerle Gebr. G.m.b.H.

Relative to Moor, Dr. Hans for Basel, substitute and Im Sesselacker 15, Basel.

For Officine del Gottardo S. A. für Elektro-Chemische Industrie, substitute Gotthardwerke A. G. fuer Elektrochemische Industrie, and Officine Del Gottardo S. A. per L'Industria Elletro-Chimica.

For Sachsische Metallwarenfabrik A. G.—Zürich, substitute Wellner Sohne, A. G., August.—Ave. Zweigniederlassung, Zürich.

DELETIONS

Morocco

Tangier International Zone

Abecassis, Nissim.—Bvd. Pasteur 36, Tangier.

Portugal

Carneiro & Filho (Fabrica de Curtumes de Ponte de Pedra).—Ponte de Pedra, Sao Mamede de Infesta, Oporto.

Empresa de Fiacao e Tecidos de Benfica.—Ave. Barjona de Freitas 7, Lisbon.

Garcia, Ildio.—Rua dos Sapateiros 39, Lisbon.

Guimaraes & Neves.—Torres-Vedras, Lisbon.

Portuguesa Ltda. Soc., Comercial.—Rua dos Sapateiros 39, Lisbon.

Sweden

Kaffe & Kolonial A/B.—Norra Vallgatan 44, Malmo.

Switzerland

Fabrique de Machines a Tricoter de Schaffhouse-Schaffhauser Strickmaschinenfabrik.—Moserstrasse 23, Schaffhausen.

Haab, Otto Albert Anton.—Muttentz. Mezritz, Denis.—Rue de la Navigation 11-13, Geneva.

Schaffhauser Strickmaschinenfabrik (Fabrique de Machines a Tricoter de Schaffhouse).—Moserstrasse 23, Schaffhausen.

Scheller, H. & L.—Bleicherweg 10, Zürich, and at Deitikon.

[F. R. Doc. 42-11149; Filed, October 31, 1942; 11:24 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5177]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

INCOME TAX; AMENDMENT OF REGULATIONS

Amending Regulations 103, 101, 94, 86, and 77, as amended by Treasury Decision 5125, approved March 5, 1942, relating to proof of exemption of organizations.

PARAGRAPH 1. Section 19.101-1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] as amended by T.D. 5125, approved March 5, 1942,¹ is further amended as follows:

The last sentence in the first paragraph is amended to read:

An organization claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14) shall also file with the other information specified herein a return of information on Form 990 relative to the business of the organization for the last complete year of operation: *Provided, however,* That such return shall not be required of an organization which is organized and operated exclusively for educational purposes, or educational and religious purposes, if no part of its net earnings or assets are distributable to any private shareholder in liquidation or otherwise and if, in the case of an organization privately owned or operated, the Commissioner is advised of any increase in the compensation of its owners, managers, trustees, or directors over the amount of such compensation for the last year for which its exemption under section 101 (6) was approved by the Commissioner. Form 990 will not be required of charitable organizations operated or controlled by religious or educational organizations of the type exempt

¹ 17 F.R. 1749.

under the preceding sentence from the requirement of filing such returns, nor of separately conducted charitable organizations meeting the above conditions as to distributions and compensation, nor of charitable organizations operated under the control of a State or any political subdivision thereof.

The first sentence in the fifth paragraph is amended to read:

When an organization has established its right to exemption, it need not thereafter make a return of income or any further showing with respect to its status under the law, unless it changes the character of its organization or operations or the purpose for which it was originally created, except that every organization exempt or claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14), shall file annually returns of information on Form 990 with the collector for the district in which is located the principal place of business or principal office of the organization; *Provided, however,* That such return shall not be required of an organization which is organized and operated exclusively for educational purposes, or educational and religious purposes, if no part of its net earnings or assets are distributable to any private shareholder in liquidation or otherwise and if, in the case of an organization privately owned or operated, the Commissioner is advised of any increase in the compensation of its owners, managers, trustees, or directors over the amount of such compensation for the last year for which its exemption under section 101 (6) was approved by the Commissioner. Form 990 will not be required of charitable organizations operated or controlled by religious or educational organizations of the type exempt under the preceding sentence from the requirement of filing such returns, nor of separately conducted charitable organizations meeting the above conditions as to distributions and compensation, nor of charitable organizations operated under the control of a State or any political subdivision thereof.

The third sentence of the fifth paragraph which reads: "The returns for subsequent taxable years shall be filed on or before the first day of the third month following the close of the taxable year," is amended to read:

The returns for subsequent taxable years shall be filed on or before the fifteenth day of the fifth month following the close of the taxable year.

PAR. 2. The foregoing provisions relative to proof of exemption under section 101 of the Internal Revenue Code are hereby made applicable in the case of any organization which claims exemption under the Revenue Act of 1938, 1936, 1934 or 1932 and which has not proven exemption under the corresponding provisions of Regulations 101 [Part 9, Title 26, Code of Federal Regulations, 1939, Sup.], 94 [Part 3, Title 26, Code of Federal Regulations], 86, or 77. The foregoing provisions relative to the filing annually of returns of information on Form

990 are hereby made applicable to organizations held exempt under the sections of the Revenue Act of 1938, 1936, 1934, or 1932 which correspond to section 101 (5), (6), (7), (8), (9), or (14) of the Internal Revenue Code.

(Sections 62 and 101 of the Internal Revenue Code; (53 Stat. 32, 33 as amended by 53 Stat. 876, 26 U.S.C., 1940 ed., 62, 101); sections 62 and 101 of the Revenue Acts of 1938, 1936, and 1934 (52 Stat. 480, 26 U.S.C. Sup. 62, 101; 49 Stat. 1673, 26 U.S.C. Sup. 62, 101; 48 Stat. 700, 26 U.S.C. 62, 101); and sections 62 and 103 of the Revenue Act of 1932 (47 Stat. 191, 193))

[SEAL] NORMAN D. CANN,
Acting Commissioner of
Internal Revenue.

Approved: October 29, 1942.
JOHN L. SULLIVAN,
Acting Secretary of the Treasury.
[F. R. Doc. 42-11116; Filed, October 30, 1942;
3:26 p. m.]

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, § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 326.6, (*Numerical list of mines*) is amended by adding thereto Supplement R-II, and § 326.23 (*General prices, 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.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 326.5 Alphabetical list of code members—Supplement R-I

(Alphabetical list of code members having railway landing facilities, showing price classification by class group No.)

Mine Index No.	Code member	Mine name	Scam	Type	Shipping points in W. Va.	Railroad	Freight origin group No.	Price classifications by class group No.													
								1	2	3	4	5	6	7	8	9	10	11	12		
209	Penova Coal Co.	Arnold L.S.	Strip	Rail, Beckhale W. Va. river, Sulphate and Weisburg, W. Va.	P&WV	10	E	E	E	E	E	E	E	E	E	E	E	E	E	E

§ 326.6 Numerical list of mines—Supplement R-II. Refer to § 326.6 in Minimum Price Schedule for District No. 6. Add the following:

Mine Index No.	Mine name	Code member	Freight origin group No.	Railroad
209	Arnold L.S.	Penova Coal Co.	10	P&WV.

Prices for Mine Index Numbers 7, 20, 21 and 29 shown in § 326.7, § 326.8 (a), § 326.8 (b), § 326.8 (c), § 326.8 (d) and § 326.8 (e) in Minimum Price Schedule of the Schedule of Effective Minimum Prices apply to Mine Index Number 209.

FOR TRUCK SHIPMENTS
§ 326.23 General prices; for shipment into all market areas—Supplement T

Code member	Mine	Mine Index No.	Type	Scam	Mine class																
					1	2	3	4	5	6	7	8	9	10	11	12					
Penova Coal Co.	Arnold L.S.	209	Strip	209	237	270	246	240	220	210	200	200	210	210	200	200	200	200	200	200

[F. R. Doc. 42-11077; Filed, October 30, 1942; 11:13 a. m.]

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

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

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

Commencing forthwith, § 326.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, which supplement is 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.

TEMPORARY AND CONDITIONALLY-FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

NOTE: The material in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RAIL AND RIVER

§ 326.5 Alphabetical list of code members—Supplement R

(Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.)

Mine Index No.	Code member	Mine name	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group No.	Price classifications by size group Nos.													
								1	2	3	4	5	6	7	8	0	10	11	12		
29	Rivercoal, Inc.	Rivercoal, Inc.	Pgh. 8	Strip	Ohio River, Mountsillo, W. Va.	Ex-river		0	0	0	0	0	0	0	0	0	0	0	0	0	0

Prices for all Mine Index Numbers Except 7, 20, 24 and 26 shown in § 328.3(f) in Minimum Price Schedule of the Schedule of Effective Minimum Prices apply to Mine Index Number 20.

[F. R. Doc. 42-11076; Filed, October 30, 1942; 11:12 a. m.]

[Docket No. A-1666]
PART 326—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 6.

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 6 for the establishment of price classifications and minimum prices for the coals of Rivercoal, Inc. Mine (Mine Index No. 29) of Rivercoal, Inc., a code member in District 6.

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 tempo-

[Docket No. A-1644]
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 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 matter 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, § 328.21 (Alphabetical list of code members) is amended by adding thereto Supplement R-II, § 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-I, and § 328.42 (General prices for low volatile coals) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping points appearing in the aforesaid Supplement R-I and R-II for Mine Index Nos. 2729, 2599, 2122, and 2451 shall be effective in place of the shipping points heretofore established for these mines; and commencing forthwith the shipping points, railroads, and Freight Origin Groups appearing in the aforesaid Supplement R-I for Mine Index Nos. 3722 and 3246 shall be effective in place of the shipping points, railroads and freight origin groups heretofore established for these mines; and commencing forthwith Price Classification "A" in Size Groups 24, 25,

26 and 27 for Mine Index Nos. 48, 151, 1370 and 5562 temporarily assigned in Docket No. A-1597, 7 F.R. 6934, is hereby deleted and Classification "C" substituted for these size groups produced at these mines.

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

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

[Alphabetical list of code members having railway loading facility, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict 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			
5731	Consumers Mining Corporation.	Consumers	9	Red Ash	Red Ash, Va.	N&W.	21	C	C	D	D	A	A	A	H	H	H	H	H	H
2451	Franks, E. E.	Franks	9	Red Ash	Doran, Va.	N&W.	21	*	*	*	*	*	*	*	*	*	*	*	*	*
5735	Russ & Stilwell (S. W. Stilwell).	Russ & Stilwell No. 2.	9	Red Ash	Red Ash, Va.	N&W.	21	C	C	D	D	A	A	A	H	H	H	H	H	

*Denotes new shipping point. Shipping point at Richlands, Va., shall no longer be applicable.
 *Indicates previously classified for 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-I

Code member index	Mine	Mine index No.	Seam	Base size							
				Lump over 2' egg 4' x 9'	Lump 2' and under, egg 3' x 6'	Lump 3/4' and under, egg 2' x 6'	Egg 2' x 6', egg 2' stove 3' 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. 1—BIG SANDY-ELKHORN CARTER COUNTY, KY.											
Knipp, Amos	Jessie No. 2	5687	No. 7	285	265	230	240	225	220	170	165
Sexton & Blankenship (Chas. Sexton)	Deer Creek	5734	No. 4	285	265	230	240	225	220	170	165
SUBDISTRICT NO. 3—HAZARD LEE COUNTY, KY.											
Cooper & Dunaway (J. G. Cooper)	Cooper	5707	Ida May	295	275	240	245	225	230	175	170
White Ash Coal Company (David Toler)	White Ash No. 1	5724	Bottom	295	275	240	245	225	230	175	170
SUBDISTRICT NO. 4—KANAWHA NICHOLAS COUNTY, W. VA.											
Cavendish, Homer D.	Cavendish	5688	Eagle	285	265	250	250	225	240	185	180
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN ROCKCASTLE COUNTY, KY.											
Abney, Elijah, Jr.	Black Diamond	5733	Horse Creek	285	265	240	240	225	230	175	170
CAMPBELL COUNTY, TENN.											
Lay, Floyd	Floyd Lay	5736	Rex	315	295	230	265	235	220	165	160
SCOTT COUNTY, TENN.											
Cross, Henry	Henry Cross No. 2	5718	Glen Mary	275	255	235	230	220	225	175	170
Kline, C. D.	C. L. Kline No. 3	5728	Glen Mary	275	255	235	230	220	225	175	170
Kline, C. D.	C. L. Kline No. 4	5729	Glen Mary	275	255	235	230	220	225	175	170
Kline, C. D.	C. L. Kline No. 5	5730	Glen Mary	275	255	235	230	220	225	175	170

§ 328.42 General prices for low volatile coals—Supplement T-II

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

Code member index name	Mine	Mine index No.	Seam	Screenings							
				All lump	Egg: Larger than 3' top	Stove: 3' top size	Nut or pea: 1 1/4" top or less	Screened M/R	Straight M/R	1 1/4" screenings	3/4" screenings
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS—TAZEWELL COUNTY, VA.											
Consumers Mining Corporation	Consumers	5731	Red Ash	325	325	320	270	300	235	175	170
Russ & Stilwell (S. M. Stilwell)	Russ & Stilwell No. 2	5735	Red Ash	325	325	320	270	300	235	175	170

[F. R. Doc. 42-11078; Filed, October 30, 1942; 11:13 a. m.]

Chapter IV—Petroleum Conservation
Division

PART 401—PETROLEUM CONSERVATION
ORDERS

PART 402—CERTIFICATES OF CLEARANCE FOR
MOVEMENTS OF PETROLEUM AND PETRO-
LEUM PRODUCTS IN INTERSTATE COM-
MERCE

PART 403—REGULATIONS GOVERNING RE-
PORTS AND INSPECTIONS OF FACILITIES AND
AGENCIES FOR THE PRODUCTION, PROC-
ESSING, STORAGE AND TRANSPORTATION
OF PETROLEUM AND PETROLEUM PROD-
UCTS

AMENDMENT OF REGULATIONS

By virtue of the authority vested in me by the Executive Order No. 7756 of December 1, 1937 (30 CFR 401.1), the following regulations and amendments are hereby prescribed for the administration and enforcement of the act of February 22, 1935 (49 Stat. 30; 15 U.S.C. secs. 715-715 i), as amended by the act of June 14, 1937 (50 Stat. 257), by the act of June 29, 1939 (53 Stat. 927), and by the act of June 22, 1942 (Pub. Law 624, 77th Cong.).

Section 401.3 of this part (E.O. 7758 of December 1, 1937, 2 F.R. 2669, 2670), except in so far as it applies to or affects any violation thereof or any action which has been or may hereafter be taken because of such violation, is hereby revoked.

Section 401.4 of this part (Administrative Order 1263, April 1, 1938, 3 F.R. 689), is hereby revoked.

Sections 402.1 to 402.21, inclusive, of this part (E.O. 7757 of December 1, 1937, 2 F.R. 2664-2669), except in so far as they apply to or affect any violation thereof or any action which has been or may hereafter be taken because of such violation, are hereby revoked.

Section 403.1 of this part is hereby amended to read as follows:

§ 403.1 Designated areas. Until further order, the regulations in this part shall be applicable only to that part of the State of New Mexico included within the counties of Lea and Eddy, to that part of the State of Texas included within the counties of:

Anderson, Andrews, Angelina, Aransas, Austin, Bee, Borden, Bowie, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Cochran, Colorado, Crane, Crockett, Dawson, DeWitt, Duval, Ector, Fayette, Fisher, Fort Bend, Franklin, Gaines, Galveston, Garza, Glascock, Goliad, Gonzales, Gregg, Grimes, Hardin, Harris, Harrison, Hidalgo, Hockley, Houston, Howard, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Lee, Liberty, Live Oak, Loving, Lynn, Madison, Marion, Martin, Matagorda, Midland, Mitchell, Montgomery, Morris, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Reagan, Red River, Reeves, Refugio, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Scurry, Shelby, Smith, Starr, Terry, Titus, Trinity, Tyler, Upshur, Upton, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Willacy, Wilson, Winkler, Wood, Yoakum, and Zapata, and to the entire State

of Louisiana, which area is hereinafter referred to as the designated area.

Section 403.2 of this part is hereby amended to read as follows:

§ 403.2 *Federal Petroleum Board designated to administer these regulations.* The Federal Petroleum Board, hereinafter referred to as the board, is hereby designated to administer the regulations prescribed in this part, under the supervision of the Secretary of the Interior.

Section 403.5 of this part is hereby amended to read as follows:

§ 403.5 *Measurements; records.* Every producer, transporter, storer and refiner in the designated area shall accurately gauge and measure all petroleum and petroleum products before any part thereof leaves his possession or control. No means or device which prevents or hinders such accurate measurement shall be used. Complete and accurate records of all such measurements shall be kept up to date and retained as provided in § 403.6 hereof, and shall be open to the inspection of any person authorized by the Secretary of the Interior or by the board.

Section 403.6 of this part is hereby amended to read as follows:

§ 403.6 *Records.* From the effective date of this order the following records shall be made and retained accurately and completely showing the following facts with respect to production, refining, processing, manufacturing, transporting, withdrawing or otherwise handling petroleum or petroleum products in the designated area: *Provided,* That when such records have been retained for a period of not less than three (3) years the board may, upon written request of the operator, grant permission to destroy or dispose of such records:

(a) By producers:

(1) *Location, wells, allowable production.* The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) *Inventories.* An opening and closing inventory of the crude petroleum on hand each 24-hour day.

(3) *Production.* The daily production in barrels of petroleum produced from each lease and well (ascertained by the application of acceptable operating practice as to wells which are produced into common tankage and of which no separate daily gauge is made), with a notation of the allowance made for basic sediment and water, and the tanks, identified by number and location into which the petroleum is run.

(4) *Consumption.* The amount of petroleum consumed upon each property daily.

(5) *Deliveries.* A daily record of all deliveries of petroleum or petroleum products, showing the names and places of business of all persons to whom such petroleum or petroleum products are delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the

means of transportation by which the petroleum or products are removed.

(6) *Tickets.* Gauge tickets, and run tickets, as made by the employees actually performing or observing the operations to which such records relate.

(7) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

(b) By every purchaser, refiner, storer, shipper or consignor of petroleum or petroleum products, by every casinghead gasoline plant, and by every person dealing in petroleum or petroleum products as a factor, broker, buyer or seller.

(1) *Inventories.* An opening and closing inventory of petroleum and petroleum products on hand each 24-hour day.

(2) *Receipts.* The daily receipts of petroleum and the petroleum products showing the amount received, the place and date of each receipt, the tanks identified by location and number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the petroleum products were received, a description identifying the transporting agency by which received.

(3) *Consumption.* The amount of petroleum and petroleum products used or otherwise disposed of daily showing the amount run to stills and to cracking units and the amount and type of petroleum products refined, processed or manufactured.

(4) *Deliveries; purchasers; transporter.* A daily record of all deliveries of petroleum and petroleum products including the names and addresses of purchasers and a description identifying the transporting agency delivering the same.

(5) *Reports of operations.* Crude, pumping, still, transfer, and yield reports as made by the employees actually performing or observing the operations to which such records relate.

(6) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, broker, buyer or seller of petroleum and petroleum products.

(c) By every person operating a reclamation plant:

(1) *Inventories.* An opening and closing inventory of all petroleum and petroleum products on hand each 24-hour day.

(2) *Receipts.* The number of barrels of each kind of petroleum and petroleum products which came into the possession of such plant daily, the name and address of each person from whom possession was acquired, the location from which the petroleum and petroleum products were acquired, the quantities acquired from each prior possessor and from each location, a description identifying the transporting agency by which such petroleum and petroleum products were acquired. In case any petroleum or petroleum product is picked up or reclaimed by such plant from any creek,

river, stream or the bed thereof, such record shall also contain information as to the apparent source of the petroleum or petroleum product before it went into such creek, river, stream or the bed thereof.

(3) *Reclamation; destination; identification.* The number of barrels reclaimed by such plant daily and the disposition thereof showing the names and addresses of purchasers, a description identifying the transporting agency used in making delivery.

(4) *Original operating records.* The original records made by the employees actually performing or observing the operations to which such records relate as required by subparagraphs (1), (2), and (3) of this paragraph.

(5) *Other records.* Such other records as may now be required under the rules and regulations of all other governmental agencies, State or Federal, which supervise, regulate or tax the reclaiming or handling of petroleum or petroleum products.

(d) By pipe lines:

(1) *Inventories.* An opening and closing inventory including averages of crude petroleum and petroleum products on hand each 24-hour day.

(2) *Receipts; consignors, consignees; origin; destination.* The daily receipts of all petroleum and petroleum products showing the kind, grade and quantity received, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination.

(3) *Locations; persons; transporting agencies.* In case of the first transporting pipe line, and where possible in cases of subsequent transporting pipe lines, the location of the properties where the petroleum or petroleum products were produced, refined, processed or manufactured, the names and addresses of persons removing the petroleum or petroleum products from the properties where produced, refined, processed or manufactured, and a description identifying the transporting agency used in making delivery from such properties.

(4) *Diversion, stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination or stopped in the course of transportation, showing the disposition thereof.

(5) *Shipping documents.* Copies of all run-tickets, way bills, division and transfer orders and other documents used in the transportation of petroleum or petroleum products.

(6) *Other records.* Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

(e) By transporting agencies, other than pipe lines:

(1) *Shipments.* The daily shipments of all petroleum and petroleum products showing the kind, grade and quantity transported, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, and in the case

of railroads the car initials and numbers identifying the various shipments.

(2) *Diversions or stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination, or stoppage in the course of transportation, showing the disposition thereof.

(3) *Shipping documents.* Copies of all way bills, bills of lading and other documents used in the transportation of petroleum or petroleum products.

(4) *Other records.* Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

(f) The records required by this regulation to be made and preserved shall be made currently as the transactions involved occur. Such records prescribed in subparagraphs (1), (2), (3), (4) and (5) of paragraph (a) of this regulation shall be kept on the lease or property to which they relate, or shall be kept in the field office or field headquarters from which the operations on such properties are conducted. Such records prescribed under subparagraphs (1), (2), (3) and (4) of paragraph (b), (1), (2) and (3) of paragraph (c), and (1), (2), (3) and (5) of paragraph (d) of this regulation shall be kept at the field office or field headquarters from which the operations involved are conducted. Such records prescribed under subparagraphs (1) and (3) of paragraph (e) of this regulation shall be kept at the freight office where the shipping papers for any shipment originate.

Section 403.9 of this part is hereby amended to read as follows:

§ 403.9 *Monthly reports.* Each producer, refiner, reclamation plant, casing-head gasoline plant, transporting agency, and storer of petroleum or petroleum products in the designated area shall file with the board monthly reports on forms approved by the Secretary of the Interior. Each report on such forms shall be subscribed and sworn to by the person required to file the same, using the form of affidavit therein contained, and the person required to file the report must make therein a full, truthful and complete disclosure of all the information required on the form and necessary to the full use thereof.

Section 403.11 of this part is hereby amended to read as follows:

§ 403.11 *Shipment by barge, tanker, or other vessel; reports; affidavits.* The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas, or Mississippi, for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, including the intermediate shipment to any point from which shipments of petroleum or petroleum products in interstate or foreign commerce customarily are made,

shall transmit by mail to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., with full postage paid, not later than twenty-four (24) hours after the date of sailing, a report and affidavit in duplicate on form designated OCR-1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

The master, owner, charterer, or the duly authorized agent of the owner or charterer of any tanker, barge, or other vessel, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., upon discharging at any port in the United States a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas or Mississippi for shipment in interstate or foreign commerce, shall transmit by mail, with full postage paid, to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., within twenty-four (24) hours of completion of each discharge operation, partial or complete, a report in duplicate on form designated OCR-2, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

Section 403.12 is hereby prescribed to read as follows:

§ 403.12 *Saving clause and effective date—(a) Saving clause.* If any provision of this order or any clause, sentence or part hereof is held unauthorized or invalid for any reason, or the application thereof to any person, circumstance, commodity or class of transactions with respect to any commodity be held unauthorized or invalid for any reason, the validity of the remainder of this order and the application of such provisions to other persons, circumstances, commodities and classes of transactions shall not be affected thereby.

(b) *Effective date.* The regulations and amendments herein provided shall become effective immediately upon approval by the President.

HAROLD L. ICKES,
Secretary of the Interior.

Approved: October 27, 1942.

FRANKLIN D. ROOSEVELT
THE WHITE HOUSE.

[F. R. Doc. 42-11111; Filed, October 30, 1942;
3:16 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order 62]

CHELTENHAM PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selec-

tive Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Cheltenham Project to be work of national importance, to be known as Civilian Public Service Camp No. 62. Said project, located at Cheltenham, Prince Georges County, Maryland, will be the base of operations for work at the Cheltenham School for Boys, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Cheltenham Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent of the Cheltenham School for Boys, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Cheltenham School for Boys. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

OCTOBER 29, 1942.

[F. R. Doc. 42-11117; Filed, October 31, 1942;
10:28 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1-P]

Further delegation of authority to the Office of Price Administration with reference to rationing of fluid milk shipping containers and covers and farm fencing.

§ 903.20 *Supplementary Directive 1-P.* (a) In order to permit the efficient rationing of fluid milk shipping containers and covers and farm fencing, the authority delegated to the Office of Price Administration in § 903.1 (Directive No. 1) is hereby extended to include the exercise of rationing control (including but not limited to the issuance of suspension orders against any person who has acted in violation of any regulation or order issued pursuant to this Supplementary Directive) over the use by any person, or the sale, transfer, or other disposition by any person to any other person, of fluid milk shipping containers and covers and farm fencing, except the persons specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in Directive No. 1. The Office of Price Administration may delegate to such persons as it may designate,

including the Secretary of Agriculture, the exercise of all functions, duties, powers, authority or discretion, conferred upon it with regard to the rationing of fluid milk shipping containers and covers and farm fencing.

(b) As used in this supplementary directive:

(1) "Fluid milk shipping container" means a steel container, suitable for use in connection with the transportation in bulk of fluid milk and fluid milk products, which possesses the following characteristics: (i) a substantially cylindrical shape, (ii) a coating of tin or a substitute sanitary coating, and (iii) a "necked in" top so that the opening is smaller than any part of the body cylinder.

(2) "Cover" means the device affixed or to be affixed on a fluid milk shipping container for the purposes of protecting and retaining the contents within the container.

(3) "Farm fencing" means barbed wire, woven or welded wire fence, poultry netting, and poultry flooring, for use on agricultural properties.

(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 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11109; Filed, October 30, 1942; 2:13 p. m.]

PART 903—DELEGATIONS OF AUTHORITY

SPRAY DRIED MILK

[Directive 12]

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942,¹ Executive Order No. 9040 of January 24, 1942,² and Executive Order No. 9125 of April 7, 1942,³ and for the purpose of facilitating the acquisition of supplies of spray dried milk for governmental requirements; *It is hereby ordered that:*

§ 903.21 *Directive 12—(a) Delegation of authority to the Secretary of Agriculture with respect to spray dried milk.* The Secretary of Agriculture is authorized and directed to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Pub. Law 671, 76th Cong.; 54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), and as further amended by the Act of March 27, 1942 (Pub. Law 507, 77th Cong.; 56 Stat. 176), with respect to setting aside spray dried milk for governmental war requirements.

(b) As used in this directive, the term "spray dried milk" means whole and skim cow's milk dried by a spray process. The term "governmental war requirements" means the requirements of the

Army and Navy of the United States, the Marine Corps, the Coast Guard, and any agency of the United States Government for supplies to be delivered to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), as determined by the Foods Requirements Committee of the War Production Board from time to time.

(c) The Secretary of Agriculture is authorized to require such reports and the keeping of such records, and to make such investigations, as he may deem necessary or appropriate for the administration of the powers conferred herein; and he may issue such regulations, orders, and directives, direct such inspection, and take such measures as he may deem necessary or appropriate for the effectuation of the powers conferred upon him by this directive.

(d) The Secretary of Agriculture may exercise the power, authority and discretion conferred upon him by this directive through such agencies and through such officials of the Government of the United States and in such manner as he may determine.

(e) Nothing herein shall be construed to authorize the Secretary of Agriculture to determine the amount of governmental war requirements, to control the distribution of spray dried milk to the extent of production thereof in excess of governmental war requirements, or to regulate or prohibit any commercial or industrial use of such excess production.

(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.)

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-11167; Filed, October 31, 1942; 12:14 p. m.]

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-128]

CARL M. LOEB, RHOADES AND CO.

Carl M. Loeb, Rhoades and Company, New York, New York, is a partnership engaged in the importing business. On or about June 2, 1942, the company's Buenos Aires representative purchased 100 tons of caseln which was to be shipped to the company in the United States during June, July, August, and September.

General Imports Order M-63, as amended June 2, 1942, prohibits the importation of many products, including caseln, without specific authorization from the Director of Industry Operations subsequent to July 2, 1942. The company at least by July 3 was fully aware of the fact that the importation of caseln was restricted by this order. Notwithstanding its knowledge of these restrictions, the company advised its Buenos Aires office on July 3 that small quantities of caseln could be imported without authorization. The 100 tons of caseln was actually shipped from Buenos Aires

to New York on or about July 17, 1942; 75 tons being shipped on the "SS Sloterdijk" and 25 tons on the "SS Agwi Prince". The caseln is still in the possession of Customs officials at the Port of New York.

This violation of General Imports Order M-63 has hampered and impeded the war effort of the United States by diverting shipping space to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered That:*

§ 1010.128 *Suspension Order S-128.*

(a) Carl M. Loeb, Rhoades and Company, its successors and assigns, shall not accept delivery of, receive, or take any action to clear through the Bureau of Customs the 100 tons of caseln presently in the custody of Customs officials at the Port of New York which was shipped on or about July 17, 1942, on the "SS Sloterdijk" and the "SS Agwi Prince".

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

(c) This order shall take effect immediately and shall remain in effect until 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 Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11110; Filed, October 30, 1942; 2:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-129]

C. W. SAUNDERS

C. W. Saunders, of Los Angeles, California, has been engaged in the business of building houses in the City of Los Angeles and vicinity. His activities include the construction of multiple dwelling units either for others on land owned by them or for himself on land owned by himself, and the rental of such dwelling units.

After April 9, 1942, without the authorization of the Director of Industry Operations or the Director General for Operations of the War Production Board, C. W. Saunders began construction (as defined in Conservation Order L-41) of fifteen houses, containing fifty-two dwelling units, at the following locations: 1211-1221 West Burbank Boulevard, Burbank, California; 721 and 725 West Manchester Boulevard, Inglewood, California; 1018 East 66th Street, Inglewood, California; 4810 West 98th Street, Inglewood, California; 933-945 Fir Avenue, Inglewood, California; 4805 and 4811 West 104th Street, Lennox, California; 10016 and

¹ 7 F.R. 329.

² 7 F.R. 527.

³ 7 F.R. 2719.

10020 Inglewood Avenue, Lennox, California; and 1508 South Bronson Avenue, Los Angeles, California. The estimated cost of construction of each of these houses was far in excess of \$500. Such construction was begun in disregard of the provisions of Conservation Order L-41, with which C. W. Saunders was familiar, and constituted wilful violations of that order.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.129 *Suspension Order S-129.*

(a) Neither C. W. Saunders nor any other person with whom C. W. Saunders is directly or indirectly connected shall order, purchase, accept delivery of, withdraw from inventory, secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses at the following locations: 1211-1221 West Burbank Boulevard, Burbank, California; 4810 West 98th Street, Inglewood, California; 933-945 Fir Avenue, Inglewood, California; 4805 and 4811 West 104th Street, Lennox, California; 10016 and 10020 Inglewood Avenue, Lennox, California; 1508 South Bronson Avenue, Los Angeles, California. No application for authorization to continue or complete construction of any of said last mentioned houses shall be granted by the War Production Board to C. W. Saunders or to any person with whom he is connected directly or indirectly.

(b) No person shall order, purchase, accept delivery of, withdraw from inventory, secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses specified in paragraph (a) hereof, except as specifically authorized by the Director General for Operations.

(c) Except as specifically authorized by the Director General for Operations, neither C. W. Saunders nor any other person shall order, purchase, accept delivery of, withdraw from inventory or secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses at the following locations: 721 and 725 West Manchester Boulevard, Inglewood, California; 1018 East 66th Street, Inglewood, California.

(d) For a period of six months from the effective date of this order, no application for authorization to begin construction of any house, building, structure or project filed by C. W. Saunders shall be granted by the War Production Board, except in connection with the houses specified in paragraph (c) hereof.

(e) For a period of six months from the effective date of this order, deliveries of material to C. W. Saunders, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other

orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(f) For a period of six months from the effective date of this order, no allocation shall be made to C. W. Saunders, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(g) This order shall take effect on November 5, 1942, and shall continue in effect until 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 Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11147; Filed, October 31, 1942; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

(Suspension Order S-130)

NEON MAINTENANCE CORP.

Ralph V. Shelton, doing business as Neon Maintenance Corporation, a fictitious name, has been engaged in the business of manufacturing, installing and maintaining neon signs and lighting equipment, with his place of business in Vallejo, California. R. J. Syufy is engaged in the moving picture theater business as a theater operator in Vallejo. Ralph V. Shelton is, and since April 1, 1942, has been, the lessee of certain premises designated as 351 Fourth Street, Vallejo, California.

In July, 1942, Ralph V. Shelton began construction of a theater building located at 351 Fourth Street, Vallejo, California, pursuant to a contract with R. J. Syufy, whereby the latter was to sublease the theater building from Ralph V. Shelton. R. J. Syufy also performed certain construction work on the building. The estimated cost of construction of such theater building substantially exceeded \$5,000, and Ralph V. Shelton and R. J. Syufy were aware of Conservation Order L-41 prior to the beginning of such construction. This constituted a wilful violation of Conservation Order L-41. Ralph V. Shelton was chiefly responsible for this violation, and R. J. Syufy was responsible to a lesser degree.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce material to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.130 *Suspension Order S-130.*

(a) For a period of six months from the effective date of this order, deliveries of

material to Ralph V. Shelton, doing business as Neon Maintenance Corporation or otherwise, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order, no allocation shall be made to Ralph V. Shelton, doing business as Neon Maintenance Corporation or otherwise, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) For a period of six months from the effective date of this order, no construction with which Ralph V. Shelton is directly or indirectly connected shall be accorded priorities assistance.

(d) Neither Ralph V. Shelton, R. J. Syufy nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue construction of the theater building located at 351 Fourth Street, Vallejo, California, except as specifically authorized by the Director General for Operations.

(e) This order shall take effect on November 5, 1942, and shall continue in effect until 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 Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11148; Filed, October 31, 1942; 11:33 a. m.]

PART 1119—METAL PLASTERING BASES AND METAL PLASTERING ACCESSORIES

[Supplementary Limitation Order L-59-a]

In accordance with the provisions of § 1119.1 (*Limitation Order L-59*) which the following order supplements:

§ 1119.2 *Supplementary Limitation Order L-59-a.* During the period beginning November 1, 1942, and ending November 15, 1942, no manufacturer shall incorporate into metal plastering bases and/or metal plastering accessories, any metal in excess of one-eighth of the respective quantities of metal permitted by Limitation Order L-59, as amended, to be so incorporated during the four months period from July 1, 1942 to October 31, 1942, inclusive.

(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 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11168; Filed, October 31, 1942;
12:14 p. m.]

PART 1144—GOATSKINS, KIDSKINS AND
CABRETTAS

[Conservation Order M-114, as Amended
August 7, 1942, Amendment 1]

Section 1144.1 *General Conservation Order M-114* is hereby amended in the following respect:

The following is added to the schedule contained in paragraph (c) (1):

Nov.-Dec.-Jan....210 (total for three months)

(F.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 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11145; Filed, October 31, 1942;
11:33 a. m.]

PART 1233—THERMOPLASTICS

[General Preference Order M-154,
Amendment 4]

Paragraph (d) of § 1233.1 *General Preference Order M-154* is hereby amended by striking the words and figures "1st of November, 1942" in the opening paragraph and substituting in their place the words and figures "1st of January 1943."

(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 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11146; Filed, October 31, 1942;
11:33 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote national defense:

§ 3096.1 *General Conservation Order M-241*—(a) *Applicability of priorities*

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

(b) *Definitions.* For the purpose of this order:

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

(2) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard, after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture, and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) No person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Except as provided in paragraphs (c) (4), (5) and (6), no person or persons shall during the calendar month commencing November 1, 1942, or any calendar month thereafter, produce in any mill any greater quantity in tons of paper and/or paperboard than 100% of the average monthly quantity in tons of paper and/or paperboard produced in such mill during the six months from April 1, 1942, to September 30, 1942, inclusive.

(3) The quantity in tons of paper and paperboard shall be measured in tonnage delivered from the paper machine, and the method and basis for determining such tonnage shall be that method and basis followed at such mill in the past, or any other practicable method and basis, provided that the same method and basis are used in determining production in future calendar months as are used in determining average production during the six months reference period from April 1, 1942 to September 30, 1942, inclusive.

(4) There shall not be included in such calculation, either for past or current production, papers and paperboard of the kinds included within the following designations on United States Department of Commerce (Census) Form WPB-514, as revised August 10, 1942:

Building Papers (Code 14000, 14100,
14200, 14300, 14900)
Building Boards (Code 58000, 58100,
58200, 58300, 58900)
Vulcanizing Fibre Stock (Code 13500)
Resin Impregnating Stock (Code
13600)
Sanitary Napkin and Hospital Wad-
ding Stock (Code 11100)

(5) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, notwithstanding the provisions of paragraph (c) (2), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week.

(6) If any person owns more than one mill, and believes that the purposes of this order will be furthered by combining for production among all or several of his mills jointly the quantities of paper and/or paperboard which are permitted by this order for each separately, he may submit to the Director General for Operations, in writing, a plan for such combination, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during the six month period from April 1, 1942 to September 30, 1942, inclusive, the quantity and kinds of paper expected to be produced at each such mill during each month under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will further the purposes of this order. The Director General for Operations may thereupon approve, modify, or disapprove such plan, or may impose upon the execution of any such plan such conditions as he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the proponent may, notwithstanding the provisions of paragraph (c) (2), produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Restrictions on inventory.* No person shall knowingly make delivery of any type of paper or paperboard, and no person shall accept delivery of any type of paper or paperboard, if the inventory of such type of paper or paperboard in the hands of the person accepting delivery is, or will by virtue of such acceptance become, in excess of ninety days supply, on the basis of his current method and rate of operation. This restriction applies equally to paper and paperboard of foreign and domestic origin. It shall not, however, prevent acceptance by any person of delivery of one carload or less of any type of paper or paperboard if the inventory of such type of paper or paperboard of the person accepting such delivery is not and will not by virtue of such acceptance become in excess of two carloads.

(e) *Miscellaneous provisions.* (1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall,

upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

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

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

(5) *Appeals.* Any person affected by the order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Branch, Washington, D. C. Ref: M-241.

(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 31st day of October 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11144; Filed, October 31, 1942; 11:33 a. m.]

PART 1090—AGAVE FIBER, AGAVE PRODUCTS AND CERTAIN OTHER CORDAGE

[General Preference Order M-84, as Amended October 31, 1942]

Part 1090—Agave Fiber is hereby amended to read Part 1090—Agave Fiber, Agave Products and Certain Other Cordage.

The preamble and § 1090.1 *General Preference Order M-84*¹ are hereby amended to read as follows:

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

§ 1090.1 *General Preference Order M-84*—(a) *Definitions.* For the purposes of this order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste (but not including processor's mill waste) and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes 3/16" in diameter and larger, cordage or twines of any diameter used in the manufacture of any wire rope, twines used for fishing nets, and tarred marlines for use in manufacturing wire rope and for marine uses, in which agave fiber either alone or in combination with other material is used, but does not include agave cordage sold or delivered for its scrap value.

(3) "Processor" means any person who spins, twists, weaves or otherwise uses agave fiber in the production of cordage, twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures agave cordage or agave twine for storage or for sale, and includes selling agents and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such agave cordage or agave twine, but shall not include any person who imports agave cordage, or agave twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains agave fiber, but shall not include binder twine.

(7) "Binder twine" or "binding twine" means a single yarn twine, manufactured of agave fiber, of the type customarily heretofore manufactured, and sold in lengths measuring 500, 525, 550, 600, 630 or 650 feet to the pound, with a plus or minus tolerance of 5 per centum, containing a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and which is put up in balls of approximately 5 or 8 pounds each, is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(8) "Inventory" with respect to any person shall include all of any agave product held or controlled by such person at all warehouses, plants or places of storage, but shall not include any of such product while actually in transit or actually in use.

(9) "Supply" means the average monthly amount of any agave product withdrawn from inventory which has been resold or put into actual use.

(i) In the three calendar months preceding the calendar month for which supply is being calculated; or,

(ii) In the three calendar months of the previous year which immediately fol-

lowed the calendar month of that year corresponding to the said calendar month for which supply is being calculated;

whichever of the two shall be the higher.

(10) "Basic monthly poundage" with respect to any cordage processor for any month shall be the average number of pounds per month of both Manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37% of such person's Manila fiber basic monthly poundage calculated as required by General Preference Order M-36: *Provided*, That any cordage processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quotas under this order.

(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico or any other foreign country.

(b) *Restrictions on sales and deliveries of agave fiber.* No person shall sell, or deliver, or make or accept delivery of agave fiber of any grade or quality; except that purchases, sales and deliveries of agave fiber may be made:

(1) By and to Defense Supplies Corporation;

(2) By and to persons importing or otherwise handling agave fiber in accordance with written instructions from Defense Supplies Corporation: *Provided*, That such agave fiber is to be delivered, either processed or unprocessed, directly or through one or more other persons to Defense Supplies Corporation.

(3) By and to importers, dealers, jobbers, or processors, pursuant to contracts entered into on or before February 20, 1942, but only of agave fiber in the amounts specified in such contracts on or before the said date, or by any amendments or supplements thereto on or before August 5, 1942: *Provided, however*, That purchases, sales and deliveries under general requirements contracts or contracts to take all, or a specified percentage of a production may continue to be made until December 31, 1942: *And provided further*, That all agave fiber, except bagasse waste, imported on or after October 31, 1942, under any contract mentioned in this subparagraph (3) shall, within twenty-four hours after its arrival, be reported to the War Production Board, except such agave fiber which shall have been offered for sale to the Defense Supplies Corporation, and such reported agave fiber shall not be used or disposed of except as specifically authorized by the Director General for Operations.

(4) By and to importers, dealers, jobbers, or processors of agave fiber which

¹ 7 F.R. 8257.

has been rejected by Defense Supplies Corporation as unfit for its use.

(5) By and to importers, dealers, jobbers or processors of tow, waste, bagasse flume or fiber less than twenty inches in length: *Provided*, That such fiber was on hand in the United States on February 20, 1942, or was, or is thereafter imported pursuant to this paragraph (b).

(6) By processors to processors, whether directly or through one or more other persons, of agave fiber which was on hand in the United States on or before August 5, 1942, or which is thereafter imported pursuant to this paragraph (b).

(c) *Restrictions on the processing of agave fiber.* (1) Except as provided in paragraphs (c) (2), (3) and (4), no person shall process any agave fiber in the manufacture of any product except the products specified below, and then only from the fibers and in the amounts expressly permitted below. The quotas hereinbelow established shall include processing for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(i) *Wrapping twine.* Processors may use agave fiber for the manufacture of wrapping twine in an amount in any month not in excess of the percentage for such month, of his average monthly sales for the calendar year 1941 described below:

Year 1942:	Percent
February-----	100
March-----	70
April-----	65
May-----	65
June-----	57½
July-----	50
August-----	40
September-----	20
October, and each month thereafter-----	0

Provided, however, That this restriction shall not apply to wrapping twine commonly known as baler twine for use in machines harvesting agricultural products other than machines using binder twine and any person purchasing any such baler twine from a processor shall endorse on, or attach to, his purchase order or delivery receipt therefor, a certificate signed by such person, or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the baler twine covered by this certificate will be either resold or used by the undersigned, during the current harvest season, for use in machines harvesting agricultural products, other than machines using binder twine, in accordance with paragraph (c) (1) (i) of General Preference Order M-84.

And provided further, That no person shall put into process after April 13, 1942, any Java agave sisalana for the manufacture of wrapping twine, or after August 5, 1942, any Java agave cantala for this purpose.

(ii) *Binder twine.* Processors may use agave fiber, in an amount not in excess of:

(a) During the eleven months ending June 30, 1942, an amount which, when added to binder twine in his stocks on November 1, 1941, equals 120% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(b) During the four months commencing July 1, 1942, and ending October 31, 1942, an amount which equals 40% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(c) During the two months commencing November 1, 1942, and ending December 31, 1942, an amount which equals 20% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

Provided, however, That no person shall hereafter put into process binder twine containing any of the following kinds and grades of agave fiber:

- Java sisalana----- All grades
- Java cantala----- All grades
- African sisalana---- Prime, No. 1 and No. 1 A
- Haitian sisalana---- Dauphin A and X
St. Marc A 1 & HFC No. 1

or any binder twine measuring less than 600 feet to the pound containing any of the following kinds and grades of agave fiber:

- African sisalana---- No. 2 and No. 3 long
- Haitian sisalana---- Dauphin B & Y
St. Marc A 2

(iii) *Padding or stuffing.* Processors manufacturing padding or stuffing may use for that purpose only bagasse waste, except on orders to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, in which case tow, waste, and fibers less than twenty inches in length may be used.

(iv) *Reinforced paper, tape and plastics.* Processors manufacturing reinforced paper, tape and plastics may use agave fibers except Java sisalana and Java cantala, but only in an amount not in excess of 50% of the fiber content of their average monthly sales of such products for the twelve months ended June 30, 1942.

(v) *Agave cordage.* Processors manufacturing agave cordage shall not put into process in any of the periods listed below an amount of agave fiber in excess of the amounts hereinafter specified for such period:

Periods:	Amounts of agave fiber
July 1, 1942, through December 31, 1942----	12.2 times basic monthly poundage
Each calendar quar- terly period in 1943--	5.3 times basic monthly poundage

Provided, That the amount of agave fiber which may be put into process for this purpose by any cordage processor in any such period shall be:

(a) *Diminished* by the amount of any additional Manila fiber which may be put into process by such cordage processor during such period pursuant to

any exceptions or additional authorizations issued by the Director General for Operations pursuant to General Preference Order M-36.

(b) *Increased* by the difference, if any, between the amount of Manila fiber permitted to be put into process by such cordage processor pursuant to General Preference Order M-36, and any lesser amount of Manila fiber actually put into process by such cordage processor during such period; and

(c) *Increased* by any or all of the said processor's permitted amount of agave fiber for use in the manufacture of wrapping twine, as provided in paragraph (c) (1) (i), which is not actually put into process for this use since July 1, 1942.

(2) A person may process agave fiber in the manufacture of a product not specified in paragraph (c) (1), for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or its operating or general agents.

(3) The prohibitions of paragraph (c) (1) shall not apply to the manufacture of wrapping twine, binder twine, agave cordage, reinforced paper, tape, or plastics from tow, waste, or fiber under twenty inches in length.

(4) The Director General for Operations may, whenever supplies of agave fiber on hand in the United States warrant, increase the amounts of agave fiber which may be entered into process for the manufacture of agave cordage or for such other products as in the judgment of the Director General for Operations may be necessary to promote the national defense and in the public interest.

(d) *Restrictions on purchases, sales and deliveries of agave cordage and wrapping twine.* (1) No dealer shall order, purchase or accept deliveries of any wrapping twine or agave cordage which will result in such dealer having in inventory an amount thereof in excess of one month's supply.

(2) No person (other than a dealer, an importer, a wire rope manufacturer, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents) shall order or accept delivery of any wrapping twine or agave cordage which will result in such person having in inventory an amount thereof in excess of one month's supply; and no such person shall have outstanding at any one time orders for future deliveries of wrapping twine or agave cordage in excess of one month's supply for such person.

(3) No importer shall during the period from August 5, 1942 to October 31, 1942, sell or deliver in any calendar month agave cordage in excess of his average monthly sales of Manila and agave cordage in the calendar years 1939-1941, or in any calendar month after October 31, 1942, sell or deliver agave cordage, other than agave cordage

sold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the War Shipping Administration or its operating or general agents, in excess of one-third of his average monthly sales of Manila and agave cordage in the calendar years 1939-1941.

(4) Nothing in this paragraph (d) shall prevent the orderly advance accumulation of a supply of wrapping twine and/or haying rope to meet an expected seasonal demand for agricultural purposes, provided that the total amount so accumulated shall not be in excess of the amount estimated to be necessary for use for such purpose based on the most recently available crop forecasts of the Department of Agriculture.

(5) On and after September 26, 1942, no processor shall process agave fiber for cordage or sell or deliver any agave cordage except for filling contracts or purchase orders therefor for the following categories of uses:

(i) *Class One: Agave cordage other than that used in manufacture of wire rope.* (a) Use for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents;

(b) Use upon any contract or order placed by any department or agency of the United States Government for delivery of agave cordage to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act).

(c) Use for physical incorporation into material or equipment (excluding grommets and ammunition box handles) to be delivered under an order on hand to or for the account of any of the departments or agencies specified in the foregoing inferior subdivisions (a) and (b) of paragraph (d) (5) (i).

(ii) *Class Two: Agave cordage other than that used in the manufacture of wire rope.* (a) Commercial or other governmental marine, towage or lighterage uses, provided the cordage for such uses shall be one inch or more in diameter.

(b) Fishing uses for commercial fish markets or canneries;

(c) Use as catlines, bull-ropes and drilling cables in the operation or drilling of oil or gas wells;

(d) Use as drilling cables in mines or quarries;

(e) Power transmission uses;

(f) Shipyard or construction rigging uses.

(iii) *Class Three: Agave cordage used in the manufacture of wire rope.* Use in the manufacture of component parts of wire rope:

Provided, however, That, on and after December 14, 1942, such agave cordage shall be processed only in sizes of 13/64 of an inch in diameter or larger, that lesser sizes on hand or in process on said date may be sold or delivered for this use, and that lesser sizes may be processed, sold or delivered for galvanized or other corrosion resistant wire rope of sizes 6 x 12, 6 x 24, 6 x 37, or of spring-

lay construction for use by any person specified in paragraph (d) (5) (i), but only to the extent that the normal specifications of such person, or a future directive of any department or agency specified in said paragraph, require such use.

(6) Each purchaser (other than the departments or agencies specified in paragraph (d) (5) (i)) of agave cordage (excluding agave cordage in any dealer's inventory shipped to such dealer on or before September 25, 1942) shall furnish his seller a certificate as a condition to receiving said cordage, and no person shall sell or deliver any such agave cordage to such purchaser without obtaining a certificate, signed by such purchaser or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the agave cordage covered by this certificate will be used or sold only for the uses described in paragraph (d) (5) of General Preference Order M-84, with the terms of which the undersigned is familiar.

(7) During the period beginning September 26, 1942, to and including December 31, 1942, no processor shall put into process any agave fiber for the purpose of filling purchase orders for Class Two cordage uses, as specified in paragraph (d) (5) (ii) hereof, in excess of 20% of the unprocessed balance of his processing quota as established under paragraph (c) hereof as said balance may appear at the close of business on September 25, 1942.

(8) During the period beginning October 31, 1942, to and including December 31, 1942, no processor shall sell or deliver any agave cordage for Class Two cordage uses, as specified in paragraph (d) (5) (ii) hereof, in excess of 20% of his inventory of agave cordage as that inventory may appear at the close of business on October 30, 1942.

(9) No importer shall sell or deliver in any month listed below any wrapping twine, imported or domestic, in excess of the following percentages of his average monthly sales thereof during the calendar year 1941:

	Percent
July	65
August.....	40
September, and each month thereafter..	20

Provided, however, That no importer shall, after September 30, 1942, import, purchase for import, offer to import, offer to purchase for import, contract or otherwise arrange to import any wrapping twine unless specifically authorized by the Director General for Operations. Authorizations will only be granted, in the absence of extraordinary circumstances, where it can clearly be demonstrated that such wrapping twine was processed only from tow, waste or fiber under 20' in length.

(e) *Importation and disposition of agave fabrics and agave carpet yarns.* In addition to all other requirements of this order, the importation and disposition of agave fabrics and agave carpet yarns shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(f) *Restrictions on purchases, sales and use of binder twine.* No person shall hereafter sell, purchase, deliver, accept delivery of or use any binder twine except for the growing or harvesting of agricultural products or for sewing up bags containing such products, and any person purchasing any binder twine shall endorse on, or attach to his purchase order or delivery receipt therefor, a statement signed by such person, or on his behalf by a duly authorized individual, a certificate in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the binder twine covered by this certificate will be either resold or used by the undersigned for the growing or harvesting of agricultural products or for sewing up bags containing such products and is not in excess of his requirements for the current harvest season, as provided in General Preference Order M-84.

(g) *Preference to agave cordage processors for cotton, istle or jute yarns.*

(1) Subject to the provisions contained below in this paragraph (g) and notwithstanding the provisions of any other conservation order, preference rating A-2 is hereby assigned to any processor of agave cordage during the year 1942 to obtain delivery of cotton, istle or jute yarns for processing by him into cordage.

(2) The preference rating assigned by paragraph (g) (1) shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(3) During the period November 1, 1942 through December 31, 1942, no processor of agave cordage during the year 1942 shall apply the rating assigned by paragraph (g) (1) to obtain delivery of any istle or jute yarns for such purpose in excess of an equivalent, for each yarn, of the basic monthly poundage, as established under paragraph (a) (10), and of two times said poundage for cotton yarns. Any such processor desiring additional quantities of any of said yarns may apply to the War Production Board therefor on form PD-1A or other applicable form prescribed.

(4) Each processor of agave cordage during the year 1942 shall furnish his seller a certificate as a condition to receiving any cotton, istle or jute yarns for processing by him into cordage, and no person shall sell or deliver any cotton, istle or jute yarns to such processor for such purpose without obtaining a certificate, signed by such processor or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that he processed agave cordage during 1942 and that the cotton, istle or jute yarns covered by this certificate will be processed by the undersigned into cordage and is not in excess of the stock authorized under paragraph (c) of General Preference Order M-84.

(h) *Control and allocations of stocks of agave fiber and agave cordage.* (1) Control is hereby taken of the disposition and use of agave fiber and agave cordage possessed by or under the control of any importer, dealer or processor.

Any agave fiber or agave cordage at any time hereafter in the inventory of any such person shall be sold and delivered by such person as, and if, specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of agave fiber or agave cordage for defense, or for private account, or for export, renders it necessary or appropriate so to allocate such agave fiber or agave cordage in the public interest, or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor and shall take precedence over any preference rated orders. No person shall dispose of or use agave fiber or agave cordage in any manner inconsistent with any such order.

(2) Applications for specific authority to purchase, receive or use agave fiber or agave products otherwise than as permitted by paragraphs (b), (c), (d) or (e) may be made to the Director General for Operations by the person desiring to use such agave fiber or agave cordage on form PD-709 or such other form or forms as may be prescribed. Any such application shall, among other things, set forth a statement of the technical necessity for the use of agave fiber or agave cordage in the manner and to the extent that application therefor is made. Such application shall also summarize the efforts made by the applicant to use substitutes and shall contain a statement of the reasons why the applicant believes the use of agave fiber or agave cordage, in the manner and the extent that application therefor is made, will promote the national defense or will be in the public interest.

(i) *Reports.* Every importer of agave fiber shall file a report on Form PD-129 and every processor of agave fiber shall file a report on form PD-128 with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of agave fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter

or telegram, Reference M-34, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-34.

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

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

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 3024, 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 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11169; Filed, October 31, 1942;
12:40 p. m.]

PART 1256—PLATINUM

[General Conservation Order M-162, as Amended October 31, 1942]

Section 1256.1 is hereby amended to read as follows:

§ 1256.1 *General Conservation Order M-162*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* As used in this order:

(1) "Platinum or platinum alloys" means the metal platinum, platinum salts and compounds, or any alloy or mixture of metals containing more than two per cent platinum by weight, in any form including sponge, bar, sheet, wire, scrap, partially fabricated or completely fabricated parts or equipment of any sort, crude ores, residues, and matte.

(2) "Jewelry" means rings, bracelets, pins, brooches, pendants, chains, earrings, combs, head or hair ornaments, buckles, buttons, cuff links, studs, badges, insignia, metals, medallions, and all

other articles of personal adornment. The term also means tableware, flatware, holloware, cigarette cases, watch cases, candlesticks, pencils, pens (except pen-point tips), toilet sets, picture frames, and musical instruments.

(3) "Consumer" means a person who uses platinum or platinum alloys for purposes other than resale or investment.

(4) "Processor" means a person who manufactures articles or products made in whole or in part of platinum or platinum alloys.

(5) "Dealer" means a person who makes a regular business at an established address in continental United States of buying and selling platinum or platinum alloys.

(6) "Distributor" means a person who makes a regular business at an established address in continental United States of acting as buying or selling agent for dealers or processors of platinum or platinum alloys.

(7) "Refiner" means a person regularly engaged in the business of refining and separating platinum group metals.

(8) "Supplier" means any person who imports, smelts, alloys, melts, or refines platinum or platinum alloys or who sells platinum or platinum alloys to processors.

(9) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(10) "Put into process" means the first change by the processor in the form of material from that form in which it is received by him.

(11) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding stones or finished parts to an otherwise finished article when the placing of one or more stones or finished parts, or the size or type of one or more stones or finished parts, is determined by the choice of the ultimate consumer or the use to which the ultimate consumer is to put the article.

(12) The terms "deliver" and "receive" shall be deemed to include deliveries and receipts under toll agreement.

(c) *Restrictions on sale, purchase, delivery, receipt, and manufacture.* (1) After May 30, 1942, no person shall sell, transfer, or otherwise deliver platinum or platinum alloys, except to a person known by the seller or transferor to be a refiner, a dealer, a distributor, a processor, or a consumer of platinum or platinum alloys. No person, after May 30, 1942, shall purchase or accept delivery of platinum or platinum alloys unless he is a refiner, a dealer, a distributor, a processor, or a consumer of platinum or platinum alloys.

(2) On and after October 31, 1942, no supplier shall sell or deliver platinum or platinum alloys to any processor for use in the manufacture of jewelry.

(3) On and after October 31, 1942, no processor shall purchase or receive plati-

num or platinum alloys for use in the manufacture of jewelry.

(4) On and after October 31, 1942, no processor shall put into process any platinum or platinum alloys in the manufacture of jewelry.

(5) On and after October 31, 1942, a processor in the manufacture of jewelry may continue the processing of any platinum or platinum alloys which had already been put into process on such date, provided the processing thereof will be completed by January 1, 1943. On and after January 1, 1943, no processor shall process in any way any platinum or platinum alloys in the manufacture of jewelry.

(6) The restrictions of paragraphs (c) (2) and (c) (3) shall not be deemed to prohibit the sale, delivery, purchase, or receipt of jewelry or parts thereof which are finished and complete except for adding stones or other finished parts and polishing.

(d) *Reports of stocks and inventories.* Every person who, on the 31st day of May, 1942, or on the last day of any month thereafter, has title to, or possession or control of, one (1) or more troy ounces of platinum or platinum alloys, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, shall, on or before the close of business on the 15th day of the succeeding month, file with the War Production Board, Form PD-512.

(e) *Reports of sales or transfers.* After May 30, 1942, every person who sells, transfers, or otherwise disposes of platinum or platinum alloys to the extent of one (1) or more troy ounces, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, during any calendar month, shall, on or before the close of business on the 15th day of the succeeding month, file with the War Production Board, Form PD-513.

(f) *Reports of purchases or receipts.* After May 30, 1942, every person who purchases, acquires possession of or title to, or otherwise gains possession or control of any platinum or platinum alloys, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, during any calendar month, shall, on or before the close of business on the 15th day of the succeeding month, file with the War Production Board, Form PD-514.

(g) *Other reports.* Every person affected by this order shall file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in duplicate, setting forth the pertinent facts and the reasons he considers he

is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C., Ref: M-162.

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

(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 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Dental alloys and appliances, including, but not limited to, castings, pins, and foil.

Electrical equipment and parts.

Fuse wire for use in detonators or in temperature limiting fuses.

Glass furnace parts.

Industrial equipment and parts.

Jewelry, which has been polished, engraved, set with stones, or otherwise completed. Scrap and uncompleted forms are excepted.

Laboratory equipment.

Platinum metal catalysts.

Rayon spinnerets.

Thermocouples or resistance thermometers.

Hypodermic needles and other medical apparatus.

[F. R. Doc. 42-11170; Filed, October 31, 1942; 12:40 p. m.]

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

[Priorities Regulation 11 as Amended October 3, 1942, Amendment 1]

PRODUCTION REQUIREMENTS PLAN

Priorities Regulation No. 11 (§ 944.32)¹ is hereby amended as follows:

1. Paragraph (d) is amended by adding the following subparagraph (6) at the end thereof:

(6) A PRP Unit may extend an AAA rating it receives, where necessary to obtain material which it will deliver or which will be physically incorporated into

¹7 F.R. 7888.

material which it will deliver on the AAA rating, subject to the following restrictions:

(i) The AAA rating may not be extended for quantities of material in excess of those required to be delivered by it or to be physically incorporated into materials to be delivered by it on the AAA rating;

(ii) The rating may not be extended to obtain any material to the extent that it has such material on hand which it would be required to divert for the purpose of supplying the material to be delivered on the AAA rating in accordance with the provisions of Priorities Regulation No. 1;

(iii) The rating may not be extended to replace inventory;

(iv) The quantity of any material obtained with the assistance of the AAA rating must, to the extent possible, be deducted from any quantity of such material authorized for receipt on its PRP certificates and not yet received; and

(v) In case it is necessary to extend the rating for materials other than those, or in excess of the quantities, authorized on its PRP certificates, a PD-25F form must be filed within three days after such extension reporting the excess quantity or the other materials to which the AAA rating was extended.

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11200; Filed, November 2, 1942; 11:31 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS [Conservation Order M-47, as Amended November 2, 1942]

Section 1014.1 *Conservation Order M-47* is hereby amended to read as follows:

§ 1014.1 *Conservation Order M-47—(a) Definitions.* For the purpose of this order, unless the context otherwise requires:

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

(2) "Burlap" means burlap of the Hessian cloth type, other than brattice cloth and linoleum cloth, which weighs more than six and not more than sixteen ounces per yard of cloth forty inches wide.

(3) "Importer" means any person who imported burlap during the year 1940, other than an importing bag manufacturer.

(4) "Importing bag manufacturer" means any person who imported burlap during the year 1940 and manufactured bags from such burlap.

¹7 F.R. 3316, 3807, 4449.

(5) "Non-importing bag manufacturer" means a bag manufacturer who purchases burlap from an importer or an importing bag manufacturer and manufactures bags for sale or for his own use.

(6) "Pacific port" means any port on the Pacific coast of the United States or any inland port of entry for goods from other ports on the Pacific coast of North America.

(7) "North Atlantic port" means any port on the Atlantic coast of the United States, north of Wilmington, N. C., or any inland port of entry for goods from other ports on the North Atlantic coast of North America.

(8) "Gulf port" means any port on the Gulf coast of the United States, the port of Wilmington, N. C., and the ports on the Atlantic coast of the United States to the south thereof, or any inland port of entry for goods from other ports on the Gulf or South Atlantic coast of North America.

(9) "Agricultural bag" means a new textile bag, as defined in Textile Shipping Bags Conservation Order M-221, as amended from time to time, made of burlap.

(10) "Full bales unbroken" means bales not fully opened so that the content could not readily be restored to the same bale, and includes bales which have been sampled.

(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico or any other foreign country.

(b) *Stockpiling of imports.* (1) Any importer, importing bag manufacturer, or person importing burlap shall set aside two-thirds of each cargo of burlap imported by him into the continental United States, and shall not dispose thereof except as expressly directed by the Director General for Operations. The bales so set aside shall be the heaviest constructions available and shall not include any bales known to be damaged.

(2) Any importer, importing bag manufacturer, or person who has set aside burlap in accordance with the provisions of paragraph (b) (1) shall not deliver, sell, manufacture, process, use or otherwise release burlap from the quantity so set aside, without further authorization of the Director General for Operations, except in the following instances:

(i) To fill any order for burlap bearing a preference rating of A-1-c or higher assigned by a preference rating certificate on form PD-1A, PD-3A, PD-300 or PD-408 (but not a preference rating assigned in any other manner) expressly specifying burlap and issued directly to the person placing the order; and such person in applying the rating to his supplier, in addition to making the endorsement upon his purchase order

as required, shall furnish to the supplier a photostatic copy (or another copy accompanied by his sworn statement that it is a true copy) of such preference rating certificate, together with a certificate manually signed by a duly authorized official that purchase orders for an amount in excess of the quantity of burlap delivery of which has been rated by such certificate have not been placed by him with any source of supply and rated under the said certificate. Reproduction of any preference rating certificate for the foregoing purposes is hereby permitted;

(ii) To fill any order placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing: *Provided, however,* That the burlap so obtained shall not be disposed of except as specifically authorized by the Director General for Operations.

(c) *Restrictions on delivery or processing.* Except as provided in paragraphs (b) (2) and (h) (3), or upon express authorization of the Director General for Operations, no person shall knowingly sell, deliver or in any manner distribute, and no person shall purchase, accept delivery of or in any manner receive burlap for any use other than for the manufacture of agricultural bags, and no person shall process or use any burlap other than for the manufacture of agricultural bags. This prohibition against processing or use shall not apply to bales that were not full bales unbroken on December 22, 1941.

(d) *Quotas for importers and importing bag manufacturers.* (1) The quota of each importer or importing bag manufacturer out of each cargo of burlap imported to the continental United States (but excluding any amount in such cargo imported by the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or any non-importing bag manufacturer) shall be an amount bearing the same ratio to the amount of such cargo as the average annual imports of such importer or importing bag manufacturer in the period 1935-1939, inclusive, through ports on the same coast—Pacific, North Atlantic or Gulf, as the case may be—bear to the average total imports of all importers and importing bag manufacturers through ports on the same coast in the same period; *Provided, however,* That whenever the Director General for Operations shall determine that there has been a substantial change in the relative amounts of cargoes discharged at Pacific, North Atlantic or Gulf ports as compared with the period 1935-1939, inclusive, he may make such adjustment as he deems appropriate by directing the distribution, in whole or in part, of any cargo or cargoes discharged at any port

to importers or importing bag manufacturers not otherwise entitled to the same under the terms of this paragraph.

(2) Any importer or importing bag manufacturer not desiring to take up his quota out of any cargo may assign such quota, in whole or in part, to one or more importers or importing bag manufacturers in exchange for an equal yardage, without regard to constructions, out of the quotas with respect to expected future cargoes of such importers or importing bag manufacturers. Unused quotas, not so assigned, may be reallocated by the Director General for Operations.

(e) *Restrictions on importation.* (1) No person (other than the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or a non-importing bag manufacturer) shall import burlap who did not import burlap in 1940.

(2) Any person securing shipping space for burlap in Calcutta or other point of shipment for import to the continental United States shall fill such shipping space with ten ounce constructions or heavier to the extent available.

(f) *Quotas for non-importing bag manufacturers.* (1) Each importer or importing bag manufacturer shall, out of his receipts of burlap (other than burlap stockpiled under paragraph (b)) make available to each non-importing bag manufacturer who purchased burlap from him during the years 1939 and 1940 the same percentage of burlap delivered by him to that non-importing bag manufacturer out of his total deliveries of burlap to all non-importing bag manufacturers during the years 1939 and 1940. This burlap shall be made available in each month, so far as practicable, and at regularly established prices and terms of sale or payment.

(2) No non-importing bag manufacturer may receive delivery from any importer or importing bag manufacturer of any burlap which will not be put into process by him for the manufacture of agricultural bags within sixty days after the receipt thereof. Each non-importing bag manufacturer shall certify to each importer or importing bag manufacturer from whom he receives delivery of burlap, as a condition to receiving such delivery, the following, on the purchase order for such burlap:

The undersigned hereby certifies that the burlap to be delivered to the undersigned pursuant to the above purchase order is needed by the undersigned to put into process for the manufacture of agricultural bags within sixty days after physical receipt thereof by the undersigned.

Date _____ By _____
Name
(Authorized official)

(3) If, for any reason, a non-importing bag manufacturer does not take up all or part of his quota in any given month, the importer or importing bag manufacturer shall reallocate all or part of the unused quota among the non-importing

bag manufacturers to whom such importer or importing bag manufacturer is obligated to furnish quotas. This reallocation shall be made as far as practicable in proportion to existing quotas and to the extent that such non-importing bag manufacturers are willing to participate. Unused quotas not reallocated in any month shall be reallocated in successive months until consumed.

(4) The term "non-importing bag manufacturer" for the purposes of this paragraph (f) shall include any importing bag manufacturer to the extent of his receipts of burlap from each importer or each importing bag manufacturer, or from himself to the extent of his burlap cut up into bags during 1939 and 1940.

(g) *Calculation of quotas.* Quotas of importers, importing bag manufacturers and non-importing bag manufacturers shall be calculated to the nearest twenty-five bales, except that any quota amounting to less than twenty-five bales shall be calculated to the nearest bale.

(h) *Damaged burlap.* (1) Burlap set aside for Government use shall be deemed damaged when rejected by a writing identifying the said burlap after inspection by a Government inspector. Burlap not set aside for the Government stockpile shall be deemed damaged when inspected and rejected as damaged by a writing identifying the said burlap by representatives of the insurance company or companies required to meet the claim because of the damage involved.

(2) Notwithstanding the provisions of paragraph (b) (2), burlap set aside for Government use deemed to be damaged, in the manner described in the foregoing paragraph, may be sold, delivered or distributed to, and purchased, received, processed or used by any importing or non-importing bag manufacturer for the manufacture of agricultural bags: *Provided, however,* That such burlap shall be computed in the quota of such importing or non-importing bag manufacturer.

(3) In the event that the extent of damage is such that at least two bag manufacturers have rejected all or any portion of the burlap found to be damaged in the manner described in subparagraph (1) hereof as unsuitable for use in the manufacture of agricultural bags after an inspection thereof by their representatives, who shall not be persons connected with the persons offering such burlap, any person entitled to sell such burlap may sell the same free and clear of the restrictions of this order: *Provided, however,* That every such person shall make and file the following certificate with the War Production Board on or before the third business day following such sale:

The undersigned hereby certifies to the War Production Board that _____ bales of _____ burlap ex (ship) _____ bale nos. _____ which arrived at (port) _____ on (date) _____ have been rejected as damaged by (insurance company representative or Government inspecting officer), as evidenced by his attached certificate.

This burlap has been offered to (names of not less than two bag manufacturers) and has been rejected by them as unsuitable for

use in the manufacture of agricultural bags as evidenced by their attached certificates.

(Name of seller)
Date _____ By _____
(Authorized signature)

The certificates of rejecting bag manufacturers shall be in substantially the following form:

The undersigned hereby certifies to the War Production Board that the undersigned is a bag manufacturer, that the undersigned has been offered by (name of seller) a lot of _____ bales of _____ burlap ex _____ bale nos. _____ deemed to be damaged and that after inspection thereof by our representatives, who are not persons connected with the persons offering such burlap, we have rejected the said burlap as unsuitable for use in the manufacture of agricultural bags as to bales nos. _____

(i) *Adjustments and appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may apply for relief to the War Production Board by telegram or letter setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

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

(k) *Reports and communications.* (1) Each importer, importing bag manufacturer and non-importing bag manufacturer shall file with the War Production Board on form PD-188 a monthly report of his inventories, receipts and deliveries of burlap.

(2) Each person participating in any transaction involving burlap shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time.

(3) All reports required to be filed under, and all communications concerning, this order shall be addressed to the War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-47.

(l) *Records and inspection.* (1) Each person participating in any transaction involving burlap shall keep and preserve for a period of not less than two years accurate and complete records of his transactions therein, and his production, sales and inventories thereof.

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

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

and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6580; 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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11183; Filed, November 2, 1942;
10:55 a. m.]

PART 1023—JEWEL BEARINGS

[Conservation Order M-50, as Amended
November 2, 1942]

(a) Section 1023.1 *Conservation Order No. M-50*¹ is hereby amended to read as follows:

§ 1023.1 *Conservation Order M-50—*
(a) *Definitions.* For the purpose of this order:

(1) "Jewel bearing material" means any natural sapphire or ruby of industrial quality, any synthetic sapphire or ruby, or any other material of similar chemical composition and physical properties.

(2) "Jewel bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs, including vees, rings, cups, endstones, pallet stones, roller pins, needles, styli, cutters, nozzles, supports, tool bits, and dies.

(3) "Substitute jewel bearing" means a metal, agate, garnet, spinel, glass, or other bearing designed to replace, or to substitute for, a large ring bearing or a vee bearing of sapphire or ruby.

(4) "Large ring bearing" means any jewel bearing or substitute jewel bearing through which a hole has been pierced from one parallel face to the other which has the following dimensions:

Outside diameter	greater than	0.050 inch (1.270 mm.)
Thickness	greater than	0.012 inch (.305 mm.)
Hole diameter	greater than	0.006 inch (.152 mm.)

(5) "Vee bearing" means any jewel bearing or substitute bearing which has a conically shaped cavity in one of the parallel faces.

(6) "Supplier" means any person who has engaged in the importation or processing of jewel bearings, substitute jewel bearings, or jewel bearing material, since January 14, 1942.

(7) "Consumer" means any person who uses jewel bearings or substitute jewel bearings in the manufacture of any article.

(8) "Processing" means manufacturing, fabricating, polishing, or modifying in any manner jewel bearing material or material designed to substitute therefor.

(9) "Blank" means preparage, rondel, cylinder, or prism made from jewel bearing material for the purpose of fabrica-

¹ 7 F.R. 278, 1629.

tion of a jewel bearing but which has not been drilled or formed.

(10) "Use" of a jewel bearing or substitute jewel bearing means to mount the jewel bearing in a screw or other setting, or to incorporate physically the mounted or unmounted bearing in a device where its normal bearing surface may be subjected to friction from a moving part or object.

(11) "Semi-fabricated jewel bearing" means any jewel bearing processed beyond the blank stage but on which additional processing is necessary before it is ready to be used by a consumer.

(12) "Finished bearing" means any jewel bearing or substitute jewel bearing which has been processed to a point where it can immediately be used by a consumer.

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

(b) *Restrictions on delivery, processing, use, and sale.* (1) On and after November 2, 1942, each supplier shall set aside his entire stock, receipts, and production of finished jewel bearings, jewel bearing material, semi-fabricated jewel bearings, and blanks as a reserve for the fulfillment of present and future defense orders, and such other orders and uses as may be authorized from time to time by the Director General for Operations.

(2) No supplier shall make deliveries or withdrawals from such reserve either to his customers or for purposes of his own use, except as authorized by the Director General for Operations. The Director will from time to time allocate the supply of finished jewel bearings, of semi-fabricated jewel bearings, of blanks, and of jewel bearing material; and may specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. He may also direct, limit, or prohibit processing of jewel bearing material, blanks, and semi-fabricated jewel bearings. He may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of jewel bearings in the hands of consumers. He may also allocate the supply of finished substitute jewel bearings, or any particular kind thereof, in the hands either of suppliers or consumers, and may direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of substitute jewel bearings. Such allocations and directions will be made to insure the satisfaction of the defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders.

(3) Unless specifically directed or authorized by the Director General for Operations, no person shall sell or deliver to any person for any purpose vee

bearings or large ring bearings of sapphire or ruby, except:

(i) That any person may sell such bearings to the person from whom he originally acquired them; and

(ii) That a wholesaler or distributor (but not a supplier) may sell or deliver large ring bearings to persons who will use such large ring bearings solely in the repair of watches or aeroplane instruments.

(c) *Additional restrictions on consumers*—(1) *Use of vee bearings and large ring bearings.* Unless specifically directed or authorized by the Director General for Operations, no person shall use vee bearings or large ring bearings of sapphire or ruby in the manufacture of any article other than:

(i) "Implements of war" as defined in this order, which are being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of vee bearings or large ring bearings of sapphire or ruby to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract, or purchase order; or such other articles or products being produced for any of the foregoing services, agencies, or foreign governments, as may be from time to time approved and designated by the Director General for Operations by means of supplementary orders: *Provided, however,* That no person in the manufacture of implements of war or other articles or products covered by this paragraph (c) (1) (i) shall use a vee bearing or a large ring bearing of sapphire or ruby in any place or application where the governmental contracting agency 30 days or more previously has issued a written statement to such person permitting the use of a substitute jewel bearing in such place or application: *Provided, further,* That any person who uses vee bearings or large ring bearings of sapphire or ruby, in order to meet performance specifications in the manufacture of any article or product covered by this paragraph (c) (1) (i), shall furnish such information with respect to such article or product and the specifications applicable thereto as may be requested from time to time by the War Production Board.

(ii) Instruments for use in aeroplanes and ships.

(iii) Machine tools.

(iv) Precision gauges.

(v) Railroad standard watches, as such term is used and defined in Order L-175 of the War Production Board.

(2) *Use of substitute bearings.* On and after 30 days after November 2, 1942, unless specifically directed or authorized by the Director General for Operations, no person shall use jewel bearings of any type in the manufacture or repair of any article, other than those described in paragraph (c) (1) (i), in any place where it would be practicable, consider-

ing performance requirements, to use substitute jewel bearings, and in the repair of any such article no person shall replace a jewel bearing with a jewel bearing of any type if the bearing being replaced can be repaired or if it would be practicable, considering performance requirements, to use a substitute jewel bearing in its place.

(d) *General exception.* The prohibitions and restrictions contained in this order shall not apply to any jewel bearing which on or after November 2, 1942, without violating any order of the Director General for Operations, had been physically incorporated in a device in which, without further assemblage, its normal bearing surface was subjected to friction from a moving part or object.

(e) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of jewel bearings conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Reports.* (1) Each supplier shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-235.

(2) Each consumer shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-236.

(3) Any person producing jewel bearing material shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-338.

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

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C. Ref: M-50.

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

ority control and may be deprived of priorities assistance.

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

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11184; Filed, November 2, 1942;
10:55 a. m.]

PART 1031—MOLASSES

[General Preference Order M-54, as amended
March 27, 1942, Amendment 4]

Paragraph (c) of § 1031.1 *General Preference Order M-54, as amended March 27, 1942* is hereby amended by the addition of a new subparagraph (5) reading:

(5) Except as specifically authorized by the Director General for Operations, no producer shall deliver any molasses produced in the state of Louisiana after November 2, 1942, unless he shall have received from the person accepting delivery a certificate in substantially the following form:

The undersigned hereby certifies to the War Production Board and to his supplier that the molasses hereby ordered will not be used or resold by him for the manufacture of mixed feed (including custom grinding), for the manufacture of vinegar or for ensilage or direct feed.

Name of Purchaser
By -----
Duly Authorized Official Title

Where the molasses produced in the state of Louisiana after November 2, 1942, is mingled by the producer with other molasses owned or held by him, this paragraph shall not prevent such producer's selling molasses from such mingled stock without requiring such certificate where the amount delivered does not exceed the amount held by him on November 2, 1942.

(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 2nd day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11192; Filed, November 2, 1942;
10:55 a. m.]

PART 1096—WOOD PULP

[General Preference Order M-93, Amend-
ment 3]

Paragraph (c) of § 1096.1 *General Preference Order M-93* is hereby amended to read as follows:

¹ 7 F.R. 2384, 3479, 3882, 6933.

² 7 F.R. 1978, 2237, 2789, 5022, 6467, 6787.

(c) *Directions as to deliveries.* (1) No producer shall make and no person shall accept from a producer deliveries of wood pulp until the deliveries have been approved by the Director General for Operations. To obtain such approval, consumers and producers shall proceed as follows:

(i) On or before the second day of each month each consumer other than the Army, Navy, and other agencies and governments, referred to in paragraph (b) of Priorities Regulation No. 1, as amended, including countries eligible to receive material or equipment under the Lend Lease Act, shall file with the producer his orders for wood pulp for delivery during the following month on Form PD-290, as amended, in accordance with the instructions accompanying that form.

(ii) On or before the twelfth day of each month each consumer shall file with the War Production Board Form PD-291, as amended, showing his consumption, inventory and estimated receipts of wood pulp and other fibrous materials, according to the instructions accompanying that form.

(iii) On or before the twelfth day of each month each producer shall file with the War Production Board his proposed shipping schedule of wood pulp for the following month on Form PD-292, as amended, in accordance with the instructions accompanying that form, together with copies of Form PD-290, as amended, filed with him under the terms of subdivision (i) of this paragraph.

(iv) Each producer may make during each month only the deliveries approved by the Director General for Operations.

(2) No person shall make delivery of wood pulp from his inventory thereof to any person, and no person shall accept delivery thereof, except from a producer, without having first obtained the express authority of the Director General for Operations.

This amendment shall take effect November 6, 1942.

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11185; Filed, November 2, 1942;
10:55 a. m.]

PART 1124—COTTON TEXTILES FOR USE FOR BAGS

[General Preference Order M-107, as Amended
November 2, 1942]

1. Part 1124 (formerly "Cotton Textile Fabrics for Use as Agricultural Bags") is hereby amended to read "Cotton Textiles for Use for Bags".

2. Section 1124.1 *General Preference Order M-107* is hereby amended to read as follows:

§ 1124.1 *General Preference Order M-107, as amended November 2, 1942*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Bags" shall mean any new cotton bags or wrappings.

(2) "Cotton textiles suitable for bags" shall mean the constructions listed below:

Osnaburg:

40" 40/28 2 05 yd.
36" 40/28 7 oz.
36" 32/28 2.85 yd.
40" 32/28 3.55 yd.
30" 40/30 7 oz.

Sheetings:

36" 48/48 2.85 yd.
40" 48/44 3.25 yd.
40" 48/44 3.75 yd.
37" 48/48 4 00 yd.
40" 44/40 4.25 yd.
31" 48/48 5.00 yd.
40" 48/48 2.85 yd.

Print Cloth Yarn Fabrics:

38½" 64/60 5.35 yd.
38½" 48/48 7.15 yd.
27" 44/44 9.50 yd.
38½" 44/40 8.20 yd.
36" 28/24 16.00 yd. (Approx.
Weight)

Jeans:

38" to 39" 96/64 2.85 yd.

Knitted Fabrics:

Stockinette with plain or ribbed stitch.

Cotton Yarn:

Carded cotton yarns customarily used in the manufacture of stockinette.

and shall also include pro rata widths of like count and weight to the above woven textiles.

(3) "Bag manufacturer" shall mean any person engaged in the manufacture of bags, either for sale or for his own use, and shall include persons so engaged in the Dominion of Canada.

(c) *Assignment of preference rating.* Purchase orders for cotton textiles suitable for bags placed by bag manufacturers are hereby assigned a preference rating of A-2.

(d) *Restrictions on use of textiles obtained pursuant to order.* Notwithstanding any provision to the contrary contained in Priorities Regulation No. 13, no person shall use or dispose of any cotton textiles suitable for bags which were obtained by him pursuant to the application of the preference rating assigned by paragraph (c) above except as follows:

(1) For the manufacture of bags;
(2) For sale to any person on an order bearing a rating of A-2 or better; or
(3) For sale to or for the account of, or for physical incorporation into products to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration or its Operating or General Agents: *Provided*, That

¹ 7 F.R. 1835, 2169, 3083.

no person shall sell or deliver, on an order rated less than A-2, any such material for physical incorporation into products for any of said governmental agencies unless he shall have first received from the purchaser a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies that he requires the material covered by the annexed order for physical incorporation into material or equipment to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration or its Operating or General Agents.

(e) *Application of preference rating.* Any bag manufacturer, in order to apply the preference rating assigned by paragraph (c) to deliveries of material to him, must endorse on or attach to each purchase order placed by him to which the rating is to be applied, a certification in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, and that such application is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the textiles hereby ordered will be used in the manufacture of bags or otherwise disposed of only as permitted in General Preference Order No. M-107.

(Name of bag manufacturer)	(Address)
By _____	(Date) _____
(Signature and title of duly authorized officer)	

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the contract or purchase order is placed that such contract or purchase order is duly rated in accordance herewith.

Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, 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.

(f) *Restrictions on inventories.* No bag manufacturer shall hereafter hold in any mill, warehouse, place of storage, or bag manufacturing plant, any woven cotton textiles suitable for bags in excess of the aggregate yardage of such fabrics which will be manufactured by him into bags within sixty days.

(g) *Records.* All persons affected by this order shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories, production and sales, and showing the yardage of each class of fabric, as indicated by the headings in

paragraph (b) (2), sold pursuant to the application of the rating assigned by paragraph (c).

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required from time to time.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Ref: M-107.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cotton textile fabrics suitable for bags conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Ref: M-107, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11193; Filed, November 2, 1942; 10:56 a. m.]

PART 1181—PASSENGER AUTOMOBILES

[General Conservation Order M-130
Amendment 1]

Section 1181.1 *General Conservation Order M-130* is hereby amended in the following respects:

1. Paragraph (b) is hereby amended by adding at the end thereof the following sentence:

Notwithstanding any provision of this paragraph (b), any person may, prior to January 1, 1943, transfer any new Chevrolet, Ford or Plymouth passenger automobile of a four-door sedan, two-door sedan or coupe type to or for the account

17 F.R. 4333.

of the Ordnance Department of the War Department without obtaining surrender of a Government Exemption Permit PD-501: *Provided*, That nothing herein shall relieve such person of filing report Form PD-502 respecting such transfer in accordance with paragraph (d) of this order.

2. Paragraph (c) is hereby amended by adding at the end thereof the following sentence:

Notwithstanding any provision of this paragraph (c), prior to January 1, 1943, any manufacturer, distributor, dealer or sales agency to whom an order for a new Chevrolet, Ford or Plymouth passenger automobile of a four-door sedan, two-door sedan or coupe type is presented by or for the account of the Ordnance Department of the War Department and who has in stock any such passenger automobile, shall transfer such passenger automobile to the person specified in such order, irrespective of the terms of any contract of sale or any other commitment with any other person and irrespective of whether such passenger automobile is or is not a pool car.

3. Paragraph (d) is hereby amended by adding at the end thereof the following sentence:

Where a transfer is made to the Ordnance Department of the War Department without obtaining surrender of a Government Exemption Permit PD-501 the order of the Ordnance Department of the War Department upon which such automobile is transferred must be retained by the transferor as part of his records referred to in paragraph (e) below.

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11191; Filed, November 2, 1942; 10:56 a. m.]

PART 1194—CANS MADE OF BLACKPLATE

[Conservation Order M-136, Amendment 2]

Section 1194.1 *Conservation Order M-136* is hereby amended in the following particulars:

1. Item 13 of Table A is hereby amended to read as follows:

(13) *Oil paints, and oleoresinous paints, ready-mixed, semi paste, including but not limited to white lead in oil, and colors in oil.* 1-gal. cans until December 15, 1942; and from December 15, 1942, until December 31, 1942, ends only for 1-gal. fiber-bodied cans. 90 percent of 1940 pack.

2. Item 14 of Table A is hereby amended to read as follows:

(14) *Restin-emulsion water paints, paste, for exterior use only, with dry protein content not to exceed 1 percent of total weight of*

17 F.R. 5642, 8338.

paint. 1-gal. cans until December 15, 1942; and from December 15, 1942, until December 31, 1942, ends only for 1-gal. fiber-bodied cans. 90 percent of 1940 pack.

3. Item 15 of Table A is hereby amended to read as follows:

(15) *Varnishes*. 1-gal. cans until November 30, 1942. 90 percent of 1940 pack.

4. Item 16 of Table A is hereby amended to read as follows:

(16) *Drying oils*. 1-gal. cans until November 30, 1942. 90 percent of 1940 pack.

5. Item 21 of Table A is hereby amended to read as follows:

(21) *Baking powder*. Until December 31, 1942, ends only for 6-oz. or larger fiber-bodied cans. A canner's blackplate quota from October 1, 1942, until December 31, 1942, is the area of blackplate required for making the can parts specified herein sufficient to pack 25 percent of the baking powder packed by the canner in 1941.

6. Table A is amended by the addition of the following item:

(24) *Pigmented lacquers*. 1-gal. cans until December 15, 1942; and from December 15, 1942, until December 31, 1942, ends only for 1-gal. fiber-bodied cans. 90 percent of 1940 pack.

(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 2d day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11186; Filed, November 2, 1942; 10:57 a. m.]

PART 1216—HEAVY POWER AND STEAM EQUIPMENT

[Limitation Order L-117, Amendment 4]

1. Paragraph (a) (2) of § 1216.1 *Limitation L-117*¹ is hereby amended to read as follows:

(2) Heavy power and steam equipment means any new machinery or equipment of the kinds listed in Exhibit A, as the same may be amended from time to time. Unless otherwise specifically stated in such Exhibit, such equipment shall not include equipment designed for marine use.

¹ 7 F.R. 3717, 3885, 4334, 5307.

2. Paragraph (c) is hereby amended to read as follows:

(c) *Production schedule*. (1) Any person engaged in the manufacture of heavy power and steam equipment listed in Exhibit B annexed hereto, as the same may be amended from time to time, shall file with the War Production Board, Ref. L-117, on or before the 15th day of November, 1942, and the 15th day of every month thereafter, a list of all unfilled orders as of the end of the month immediately preceding such filing for such heavy power and steam equipment together with the production schedule in respect thereto. Such list and schedule shall be filed on Form PD-665.

(2) The Director General for Operations may from time to time issue specific directions with respect to unfilled orders for equipment listed in Exhibit B annexed hereto, as the same may be amended from time to time, concerning the scheduling of the production and delivery of such equipment. Each manufacturer of such equipment shall, upon receipt of such directions, schedule its production and make deliveries only in accordance with such directions. Nothing contained in this paragraph shall alter the obligation of any manufacturer, in the absence of directions issued pursuant to this paragraph, to schedule its production and make deliveries in accordance with applicable preference ratings and such other applicable regulations, orders and directions as may have been heretofore or as may be hereafter issued by the War Production Board.

(3) The production and delivery schedules established by any specific direction issued from time to time pursuant to paragraph (c) (2) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and may be altered only upon specific direction of the Director General for Operations.

(4) If it becomes impossible for any manufacturer to maintain production and delivery of equipment in accordance with any schedule established by any specific direction issued pursuant to paragraph (c) (2), he shall immediately notify the Director General for Operations stating the reasons for failure to maintain such schedule and, unless otherwise directed by the Director General for Operations, he shall continue to produce and deliver such equipment in the order set forth in such schedule and

shall postpone production and delivery of any such equipment only to the extent such postponement is unavoidable.

3. Schedule A is redesignated Exhibit A and is hereby amended to read as follows:

EXHIBIT A

(1) Steam generating boilers for operation at pressures above 100 pounds per square inch gauge which are to be used for any purpose other than marine use, and the following equipment produced for use in the operation of such steam generating boilers:

Coal pulverizers.

Soot blowers.

(2) Coal stokers above 36 square feet of grate area.

(3) Steam surface condensers (including marine condensers other than condensers produced for the Navy of the United States for use on board ships).

(4) Steam-turbine and steam engine generator units.

(5) Mechanical drive steam-turbines above 50 h. p.

(6) Hydro-turbine generator units.

(7) Internal combustion engine generator units above 50 h. p. or 25 k. w.

(8) Frequency changers.

(9) Synchronous condensers.

(10) Mercury arc rectifiers for power use.

(11) Oil or air circuit breakers of 2200 volts or higher.

(12) Metal clad switch gear of 2200 volts or higher.

(13) Unit substations.

(14) Transformers above 500 kva.

4. The following Exhibit B is hereby added:

EXHIBIT B

(1) Steam generating boilers for operation at pressures above 100 pounds per square inch gauge which are to be used for any purpose other than marine use, and the following equipment produced for use in the operation of such steam generating boilers:

Coal pulverizers.

Soot blowers.

(2) Coal stokers above 36 square feet of grate area.

(3) Steam surface condensers (including marine condensers other than condensers produced for the Navy of the United States for use on board ships).

(4) Steam engine generator units.

(5) Frequency changers.

(6) Synchronous condensers.

(7) Mercury arc rectifiers for power use.

(8) Oil or air circuit breakers of 2200 volts or higher.

(9) Metal clad switch gear of 2200 volts or higher.

(10) Unit substations.

(11) Transformers above 500 kva.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125,

7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11180; Filed, November 2, 1942;
10:54 a. m.]

PART 1235—COMBED COTTON YARN INCLUDING SALES YARN AND YARN FOR PRODUCERS OWN USE

[Amendment 2 to General Preference Order M-155]

Section 1235.1 *General Preference Order M-155* is hereby amended in the following respects:

Paragraph (c) (1) and (2) is amended to read as follows:

(1) *Medium combed yarns.* Notwithstanding the provisions of any contracts to which he may be a party, each producer of medium combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, but in any event not later than the week beginning January 1, 1943, and in each week thereafter until further direction, earmark at least 40 percent of his production thereof as reserved combed yarns.

(2) *Coarse combed yarns.* Notwithstanding the provisions of any contracts to which he may be a party, each producer of coarse combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, but in any event not later than the week beginning January 1, 1943, and in each week thereafter until further direction, earmark at least 65 percent of his production thereof as reserved combed yarns.

(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

17 F.R. 4032, 5984.

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

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11187; Filed, November 2, 1942;
10:57 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172,
Amendment 1]

Paragraph (a) (3) of § 3020.1 *General Limitation Order L-172* is amended by adding at the end thereof, after subdivision (iv), the following:

The term "critical heat exchanger" shall not include any surface condenser. "Surface condenser" means any device consisting of a shell and bare tubes, including auxiliary air removal equipment when such auxiliary equipment is purchased with and used on said device, which condenses exhaust steam from a steam driven prime mover for the purpose of maintaining a minimum absolute exhaust pressure.

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11181; Filed, November 2, 1942;
10:54 a. m.]

PART 3067—TEXTILE SHIPPING BAGS

[Conservation Order M-221]

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

§ 3067.1 *Conservation Order M-221—(a) Definitions.*

(1) "Textile bag" means any shipping container made of cotton, burlap, or any jute fabric. The term includes wool

17 F.R. 6074.

pouches, but does not include other bale covers or textile wrappings.

(2) "New textile bag" means any textile bag which has not been used and "used textile bag" means any textile bag which bag, or the fabric thereof, has been used one or more times for packing any product.

(3) "Dealer" means any person who is engaged in the business of buying and selling empty textile bags, whether or not he is also a user or a commercial emptier.

(4) "User" means any person who uses textile bags for packing any product.

(5) "Commercial emptier" means, as of any time, any person who has acquired more than 400 textile bags during any of the six calendar months prior to such time, by removing the contents of filled bags.

(b) *Restrictions pertaining to new textile bags made of burlap.* (1) No person manufacturing textile bags made of burlap, and no dealer shall, during any calendar year, sell or deliver to any person more than 50 percent of the number of new textile bags made of burlap which he delivered to such person during the calendar year 1941; provided, however, that new textile bags made of burlap may be sold and delivered to any person pursuant to express authorization by the Director General for Operations, the Director of Industry Operations, or the Director of Priorities, under any appeal granted prior to the date of issuance of this order, under Conservation Order M-47.

(2) No new textile bag which is made of burlap, and which is acquired by any user after the date of issuance of this order, shall be used for any purpose except for packing the following products:

Barley, beans and peas, chemicals (other than fertilizer), dairy products, mohair, potatoes, rice, salt (rock), seeds, feeds and meals for animal consumption, fruits (dried), nuts, sponges, starch, sugar (raw), wheat, wool and wool products.

(c) *Restrictions pertaining to new and used textile bags.* (1) No person shall manufacture, sell, or deliver any textile bag which he knows or has reason to believe will be delivered or used in violation of any provision of this order.

(2) No person shall sample the contents of any new or used textile bag except by opening the seam or the closure, or by inserting a probe or trier without damage to the fabric. No commercial emptier shall remove the contents of any textile bag except by opening the seam

or closure, unless the contents have become caked or solidified to the extent that salvage of the bag is not practicable.

(3) No person shall use any new or used textile bag for packing mohair unless the word "Mohair" appears in legible type on both sides of the bag.

(4) No person shall purchase or accept delivery of any new or used textile bag to be used for defense against air raids or any other act of the enemy.

(d) *Restrictions pertaining to used textile bags.* (1) No dealer or commercial emptier shall deliver to a user any used textile bag of sound material unless such bag shall have been repaired and all holes, including trier or probe holes, properly mended or patched; provided that nothing in this paragraph (d) (1) shall prevent the return of an unrepaired leased bag to the owner, or the delivery of any bag to a person for the purpose of repair.

(2) Within 60 days from the date textile bags are acquired by a commercial emptier by emptying the contents of filled bags, an equal number of textile bags shall be withdrawn from his inventory of empty bags, and shall be used by the emptier or sold or transferred to a dealer or to another user: *Provided*, That, if such commercial emptier is also a dealer, he may hold such bags as a dealer.

(3) No dealer or commercial emptier shall sell or deliver any textile bag which has been used for packing raw sugar, and which is capable of carrying raw sugar, to any user except for packing raw sugar.

(4) For the purposes of this paragraph (d) (4):

"Wool bag" means any textile bag which is made of burlap, and which is between 6 and 7½ feet in length.

"#1 wool bag" means any wool bag which is capable of being repacked to its intended capacity, with grease wools.

"#2 wool bag" means any wool bag which is capable of carrying grease wools, but which, because of its condition, is not capable of being repacked to its intended capacity.

Unless acquired before the date of issuance of this order, no new wool bag or no #1 wool bag shall be used for any purpose except by a grower for packing grease wools known to the trade as Territory, California, or Texas wools, or by a person performing a grading operation, for packing such grease wools.

Unless acquired before the date of issuance of this order no #2 wool bag shall be used for any purpose except by a grower for packing grease wools known

to the trade as fleece wools, or by a person performing a grading operation, for packing such grease wools.

When no longer capable of carrying grease wools, such wool bags shall be used only for packing scoured wools, noils, or wool wastes; provided that when such wool bags are no longer capable of carrying scoured wools, noils, or wool wastes, there shall be no restriction upon the disposition or use of such wools' bags.

(5) No wool pouch imported from Australia, New Zealand, or South Africa, which is acquired by any user after the date of issuance of this order and which is capable of carrying wool or wool products, shall be used for any purpose other than for packing wool or wool products:

(e) *Miscellaneous provisions*—(1) *Applicability of order.* The restrictions imposed by this order shall not apply to:

(i) The sale, delivery, or use of any textile bag made of cotton, to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States.

(ii) The sale, delivery, or use of any textile bag made of burlap, when such bag is manufactured from burlap set aside pursuant to any provision for Stockpiling of Imports, contained in Conservation Order M-47, as amended from time to time.

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

(3) *Reports.* On the fifteenth day of each month every dealer, user or emptier, who has in his possession at any time during the year 1942 more than 15,000 textile bags, exclusive of new textile bags made of cotton, shall report upon Form PD-645 to the Containers Branch, War Production Board, Washington, D. C., his inventory, receipts, and usage of textile bags.

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal to the Director General for Operations by letter, setting forth the pertinent facts and reasons why such person considers that he is entitled to relief. The Director General may thereupon take such action as he deems appropriate.

(5) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Director General for Opera-

tions in connection with this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(6) *Expiration.* This order shall expire after 60 days from the date of issuance.

(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 2d day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11188; Filed, November 2, 1942;
10:57 a. m.]

PART 3094—WIRE CLOTH FOR MANUFACTURE OF PULP, PAPER AND PAPERBOARD

[General Limitation Order L-209]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for war, for private account and for export, of metals used in the manufacture of fourdrinier and cylinder machine wires used in the production of pulp, paper and paperboard; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3094.1 *General Limitation Order L-209*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any individual, partnership, association, business trust, corporation, or any form of enterprise whatsoever, whether incorporated or not, engaged in producing pulp, paper or paperboard.

(2) "Wire cloth" includes any type of metal wire containing copper, nickel, chrome, or alloys thereof which has been woven into wire cloth for use in the manufacturing processes employed to produce pulp, paper, or paperboard.

(3) "Paper mill machine unit" means those industrial machine units (of the type listed in Part I of Schedule A attached) employed in the manufacturing processes for the production of pulp, paper or paperboard.

SCHEDULE A

(Part I) Paper Mill Machine Unit

- Fourdrinier machine
- Cylinder machine and washers:
 - One-cylinder machine
 - Two-cylinder machine
 - Three-cylinder machine
 - Four-cylinder machine
 - Five-cylinder machine
 - Six-cylinder machine
 - Seven-cylinder machine
 - Eight-cylinder machine
 - Nine-cylinder machine
- Savell
- Wet machine
- Deckers
- Filters
- Extractor rolls

(Part II) Authorized Wire Cloth Inventory

4 (complete wires)

- 2 backings, 2 facings per machine
- 2 backings, 2 facings per machine
- 2 backings, 2 facings per machine
- 3 backings, 3 facings per machine
- 3 backings, 3 facings per machine
- 3 backings, 3 facings per machine
- 4 backings, 4 facings per machine
- 4 backings, 4 facings per machine
- 4 backings, 4 facings per machine
- 2 backings, 2 facings per unit
- 3 backings, 3 facings per unit

[F. R. Doc. 42-11162; Filed, November 2, 1942; 10:54 a. m.]

PART 3105—NYLON WASTE

[General Conservation Order M-247]

§ 3105.1 *General Conservation Order M-247—(a) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Nylon waste" means waste, nolls and garnetted or reclaimed fibers, including scraps and clippings, generated in the processing of thread, fabric, rope, braiding, or other material containing nylon, the total nylon content of which waste, nolls or fiber is 50% or more by weight.

(2) "Nylon spinners' wastes" means nylon wastes suitable for making spun yarns, more specifically described as 100 percent nylon yarn waste, with 5 turns twist or under, with or without size and oil, and including undrawn yarn.

(3) "Dealer" means any person who purchases spun nylon yarn or nylon wastes, as the case may be, for resale, and the term shall also include exporters, importers, agents or brokers, whether or not they hold title to such yarn or wastes.

(4) "Processor" means any person engaged in the processing in any manner

of spun nylon yarn or nylon wastes, as the case may be.

(5) "Generator" means any person who in the regular course of his business generates or creates nylon waste and collects the same as such for sale, disposition, or use.

(c) *Restrictions on use of spun nylon yarn made from wastes.* No processor of spun nylon yarn shall hereafter process or use any spun nylon yarn made from nylon spinners' wastes except in the manufacture of material or equipment ordered by, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Defense Plan Corporation.

(d) *Restrictions on sales and deliveries of nylon yarn made from wastes.* No dealer in or processor of spun nylon yarn shall sell or deliver any spun nylon yarn made from nylon spinners' wastes unless he shall have first received from the purchaser a certificate signed by such purchaser or by a person authorized to sign in his behalf in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the spun nylon yarn to be delivered on the annexed purchase order will be physically incorporated into material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Defense Plant Corporation, or resold for such incorporation.

(e) *Restrictions on use of spinners' wastes.* No processor of nylon wastes shall hereafter use or process any nylon spinners' wastes except in the manufacture therefrom of spun nylon yarn.

(f) *Restrictions on sales and deliveries of spinners' wastes.* No generator of, processor of, or dealer in nylon wastes shall hereafter sell or deliver any nylon spinners' wastes unless he shall have first received from the purchaser a certificate signed by such purchaser or by a person authorized to sign in his behalf in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the spinners' wastes to be delivered on the annexed purchase order will be used in the manufacture of spun nylon yarn or resold for such use.

(g) *Restrictions on use of other nylon wastes.* No processor of nylon wastes shall process or use any nylon wastes other than spinners' wastes except in the process of recovering nylon flake from such wastes.

(h) *Restrictions on sales and deliveries of other nylon wastes.* No generator of, processor of, or dealer in, nylon wastes shall sell or deliver any nylon wastes other than spinners' wastes unless he shall have first received from the purchaser a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

(b) *Restrictions on acceptance of deliveries of wire cloth.* No producer shall accept delivery of wire cloth for any paper mill machine unit if acceptance thereof would increase his total inventory (including wire cloth held for his account) of such wire cloth for that paper mill machine unit in excess of the numbers and kinds indicated for such type of paper mill machine unit in Part II of Schedule A attached.

(c) *Restriction on orders and inventories of wire cloth.* No producer shall place any order for wire cloth or enter into any other arrangement for the fabrication of wire cloth without specifying approximate delivery date; and no producer shall specify any delivery date earlier than such producer may reasonably expect, on the basis of average wire life experience, to be able to accept delivery of such wire cloth without violating the provisions of paragraph (b) of this order.

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

(e) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reason why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

(g) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Pulp and Paper Branch, Washington, D. C. Ref: L-209.

(h) *Reports.* Each producer shall file with the War Production Board such reports and questionnaires as the Board shall from time to time prescribe.

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

The undersigned hereby certifies to his vendor and to the War Production Board that the nylon wastes to be delivered on the annexed purchase order will be processed to recover nylon flake therefrom, or resold for such processing.

(i) *Restrictions on intermingling of nylon wastes.* No generator of, processor of, or dealer in, nylon wastes shall hereafter mix any nylon waste created by him, or received or held by him, as the case may be, with any other waste material to form a mixture which does not qualify as nylon waste because of the nylon content thereof.

(j) *Inventory and other reports.* Any generator of, processor of, or dealer in, nylon wastes having in his possession on November 2, 1942, an amount of nylon wastes in excess of 50 pounds, shall file with the War Production Board on Form PD-703 an inventory, receipts and distribution record for the month of October, 1942, and for each month thereafter; and any such generator, processor or dealer who subsequently has in his possession an amount of nylon wastes in excess of 50 pounds shall file such record for the month in which he first has such amount in his possession, and for each month thereafter. Copies of Form PD-703 may be obtained on application to the Textile, Clothing and Leather Branch, War Production Board, Washington, D. C., Reference: M-247.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal in writing to the War Production Board, Reference M-247, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications to the War Production Board.* The reports required to be filed under paragraph (j) and any other reports that may hereafter be required to be filed thereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-247.

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

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11187; Filed, November 2, 1942; 10:57 a. m.]

PART 3127—NEW STEEL SHIPPING DRUMS
[General Preference Order M-255]

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

§ 3127.1 *General Preference Order M-255—(a) Definitions.* For the purposes of this order:

(1) "Drum" means any single walled, cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans or high or low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "New drum" means any drum which has never been partially or wholly filled with any product or commodity for storage or shipping purposes in the course of business.

(3) "Manufacturer" means any person engaged in the business of producing drums and/or any metal part thereof (other than flanges, plugs or cap seals) for sale to others or for his own use in packing products of any kind.

(b) *Restrictions on deliveries and receipts.* (1) On and after the 16th day of November, 1942, no manufacturer shall sell or deliver any new drum or any metal part thereof (other than flanges, plugs or cap seals) except pursuant to purchase order accompanied by the authorization of the Director General for Operations provided for in paragraph (c) below.

(2) On and after the 16th day of November, 1942, no person shall receive or accept delivery of any new drum or any metal part thereof (other than flanges, plugs or cap seals) if he knows or has reason to believe that the delivery of such drum is prohibited by the terms of subparagraph (1) of this paragraph (b).

(3) On and after the 16th day of November, 1942, no manufacturer shall use any new drum or any metal part thereof (other than flanges, plugs or cap seals), the manufacture of which was completed after the 16th day of November, 1942, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof.

(c) *Procedure for obtaining authorization of Director General for Operations.* The authorization of the Direc-

tor General for Operations for the sale, delivery, receipt, acceptance of delivery or use of new drums or parts thereof, required by the provisions of paragraph (b) of this order, may be applied for by the purchaser or the user. Such application shall be made by letter in duplicate, filed with the Containers Branch, War Production Board, Washington, D. C., Ref: M-255, and shall have attached thereto a copy of any purchase order in connection with which authorization is sought. Said application shall state in detail the products with which all drums to be purchased or used, or for which parts are to be acquired, are to be packed, the party to whom said products are to be shipped in said drums, the use to which said products are to be put, and such other information as may be requested by the Director General for Operations. The Director General for Operations may waive the receipt of any of the foregoing information in any case.

(d) *Miscellaneous provisions—(1) Records.* All persons affected by this order shall keep and preserve for not less than two years after the effective date of this order accurate and complete records concerning inventories, production and sales.

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

(3) *Reports.* Each manufacturer and each purchaser of new drums shall file such reports as the Director General for Operations may prescribe for the purpose of the effective administration of the order.

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

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C. Ref: M-255.

(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 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11190; Filed, November 2, 1942; 10:57 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supplementary Order 24]

PACKAGED CHRISTMAS GIFTS

A statement of the reasons for this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is hereby ordered:

§ 1305.28 *Determination of maximum prices for wholesale and retail sales of packaged Christmas gifts.* (a) This Supplementary Order No. 24 provides temporary rules for determining the maximum prices for sales at wholesale or retail of articles which have been "specially packaged" for the 1942 Christmas season by the manufacturer, producer, processor, or fabricator (but not by any retailer or wholesaler). These rules shall not be applied to sales which take place after January 15, 1943.

(1) *Rule 1.* The maximum price for the contents and packaging shall be the maximum price, or the sum of the maximum prices, established by any applicable "price regulation" or regulations for the article or articles in the package if (i) the packaging consists primarily of "paper or ordinary cardboard", or both, and (ii) the article or articles contained in the package are regularly sold by the seller in seasons other than the Christmas season (for example, cigarettes, ties, socks, handkerchiefs, etc.).

(2) *Rule 2.* The package and its contents may be treated as a single commodity and its maximum price determined in accordance with the pricing provisions of section 3 (a) of the General Maximum Price Regulation¹ if (i) the packaging consists of material other than paper or ordinary cardboard, and is of a type which would normally carry a combined price for the contents and packaging higher than the price at which the contents would be sold without special packaging, or if (ii) the package contains an article or articles all or any of which are not regularly sold by the "seller" in seasons other than the Christmas season. The price so determined shall be subject to adjustment at any time by the Office of Price Administration but it need not be reported as required in the case of other commodities priced under section 3 (a) of the General Maximum Price Regulation. For the convenience of sellers the pricing provisions of section 3 (a) are here repeated:

The seller (1) shall select from the same general classification and price range as the commodity being priced under this section, the comparable commodity for which a maximum price is established under section 2 of this regulation and of which the seller delivered the largest number of units during March

1942; (2) shall divide his maximum price for that commodity by his replacement cost of that commodity; and (3) shall multiply the percentage so obtained by the cost to him of the commodity being priced under this paragraph. The resulting figure shall be the maximum price of the commodity being priced.

(b) *Combination sales.* No price regulation or interpretative ruling issued by the Office of Price Administration which prohibits a seller from requiring a purchaser to buy one or more other articles as a condition of buying a particular article shall be construed to require any seller to sell separately articles which have been specially packaged in combination for Christmas gifts by the manufacturer, producer, processor, or fabricator.

(c) *Records.* Any seller determining maximum prices pursuant to Rule 2 shall keep and preserve for examination by any duly authorized representative of the Office of Price Administration detailed records showing the manner in which he calculated his maximum prices thereunder.

(d) This order shall not apply to any sales of "Nylon hosiery", either alone or in combination with other articles.

(e) *Definitions.* (1) "Nylon hosiery" means any women's full length hosiery in which (i) the leg or (ii) the leg and some portion of the stocking in addition to the leg, is made in whole or in part of nylon yarn.

(2) "Paper or ordinary cardboard" includes paper or cellophane with or without decoration or coloring and any box made of ordinary cardboard in sheets. It does not include cardboard boxes of expensive construction which purchasers would recognize as adding materially to the price of the article in the box, nor does it include paper mache or cardboard which has been specially shaped or molded.

(3) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(4) "Replacement cost" shall be the net price paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace such commodity after such date.

(5) "Seller" means a person making a sale at wholesale or retail as defined in the General Maximum Price Regulation.

(6) "Specially packaged" means the state of being packaged especially for the 1942-Christmas season in a manner substantially different from that employed for other selling seasons.

(f) This Supplementary Order No. 24 (§ 1305.28) shall become effective November 2, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11067; Filed, October 30, 1942; 12:18 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 207, Amendment 2]

FROZEN FRUITS, BERRIES AND VEGETABLES

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 207 has been issued and filed with the Division of the Federal Register.*

Section 1341.202 (b) (1) is amended by adding the following sentence: "Sales made prior to such period shall not be included, even though delivery is made during the period."

Section 1341.202 (b) (2) (ii) (a) is amended by inserting the figure "83" as the maximum permitted increase per ton for apples.

Section 1341.202 (b) (2) (iii) is amended by inserting the words "or packer-grower" after the words "any cooperative packer".

Section 1341.206a (a) is amended by adding the following sentence after the words "permitted increase": "In calculating the 'permitted increase', the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for that item."

§ 1341.215 *Effective dates of amendment.*

(b) Amendment No. 2 (§§ 1341.202 (b) (1), 1341.202 (b) (2) (ii) (a), 1341.202 (b) (2) (iii), 1341.206 (a), and 1341.215) to Maximum Price Regulation No. 207 shall become effective November 5, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11063; Filed, October 30, 1942; 12:16 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 252]

VINEGAR CURED HERRING

In the judgment of the Price Administrator, the determination of maximum prices for processors of vinegar cured herring under the General Maximum Price Regulation¹ has resulted and will result in maximum prices which will not be generally fair and equitable as applied to the 1942 pack and subsequent packs and which will seriously impair the distribution of such commodity. The Price Administrator has ascertained and given due consideration to the prices of vinegar cured herring prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as is practicable, the Price Administrator has advised and consulted with representative

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6315, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

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

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6315, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

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 the Emergency Price Control Act of 1942. 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.*

The maximum prices established herein are not below the average prices of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1,⁷ Maximum Price Regulation No. 252 is hereby issued.

AUTHORITY: §§ 1364.301 to 1364.313, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.301 *Prohibition against dealing in vinegar cured herring at prices above the maximum.* On and after November 4, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any cured herring or vinegar cured herring, and no person in the course of trade or business shall buy or receive any cured herring or vinegar cured herring at prices higher than the maximum prices established pursuant to this Maximum Price Regulation No. 252; 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 cured herring or vinegar cured herring to a purchaser if, prior to November 4, 1942, such cured herring or vinegar cured herring have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.302 *First processor's maximum prices for cured herring.* The first processor's maximum price per barrel, f. o. b. point of production, for cured herring sold or delivered to a final processor shall be the number of pounds per barrel multiplied by 8.61 cents per pound.

§ 1364.303 *Final processor's maximum prices for vinegar cured herring.* (a) The final processor's maximum prices per unit, f. o. b. manufacturing plant, for each kind, grade, type, or style of pack, or container size of vinegar cured herring shall be the sum of the following items:

(1) The cost per unit of cured herring, computed on the basis of the maximum prices chargeable for cured herring under § 1364.302 of this Maximum Price Regulation No. 252;

(2) The remainder after subtracting the 1941 average cost per unit of cured herring f. o. b. point of production for

each kind, grade, type or style of pack or container size of vinegar cured herring, which the seller sold or delivered between September 15, 1941, and January 1, 1942, from the weighted average price per unit, obtained by dividing the gross receipts from sales of the same kind, grade, type or style of pack, or container size of vinegar cured herring, by the total number of units of such kind, grade, type or style of pack, or container size of vinegar cured herring which the seller sold or delivered between September 15, 1941, and January 1, 1942. The weighted average price for each separate class of purchasers shall be computed separately;

(3) The remainder after subtracting the 1941 cost of ingredients (other than herring) and packaging materials, per unit, for vinegar cured herring of the same kind, grade, type or style of pack, and container size, from the August, 1942, cost of ingredients (other than herring) and packaging materials per unit: *Provided*, That no allowance for ingredients (other than herring) or packaging materials shall be made in excess of the maximum prices chargeable for such ingredients or packaging materials under the applicable price schedule, regulation or order issued by the Office or Price Administration;

(4) The remainder after subtracting the 1941 cost of direct labor employed in final processing and packing, per unit, for vinegar cured herring of the same kind, grade, type or style of pack, or container size, from the current cost of direct labor employed in final processing and packing, per unit: *Provided*, That no allowance for cost of direct labor shall be made in excess of 6 percentum of the direct labor cost per unit for vinegar cured herring of the same kind, grade, type or style of pack, or container size in 1941.

§ 1364.304 *Conditional agreements.* No person dealing in cured herring or vinegar cured herring shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by §§ 1364.302 or 1364.303, in the event that this Maximum Price Regulation No. 252 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.305 *Export sales.* The maximum price at which a person may export vinegar cured herring shall be determined in accordance with the Revised Maximum Export Price Regulation³ issued by the Office of Price Administration.

§ 1364.306 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 252

may be charged, demanded, paid or offered.

§ 1364.307 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 252 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 cured herring or vinegar cured herring, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by changing the selection or style of processing or the packaging of cured herring or vinegar cured herring.

§ 1364.308 *Records and reports.* (a) Every first processor making a sale of cured herring, or otherwise dealing therein, after November 3, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or transaction, showing the date thereof, the name and address of the buyer or recipient, the price contracted for or received, and the quantity sold or delivered.

(b) Every final processor shall file with the Office of Price Administration, Washington, D. C., on or before December 3, 1942, a statement certified under oath or affirmation showing:

(1) The gross receipts from sales or deliveries between September 15, 1941, and January 1, 1942, inclusive of each kind, grade, type, or style of pack, or container size of vinegar cured herring, separately stated for each separate class of purchasers;

(2) The total number of units of each kind, grade, type, or style of pack, or container size of vinegar cured herring, sold or delivered between September 15, 1941, and January 1, 1942, inclusive, separately stated for each separate class of purchasers;

(3) The weighted average price for each kind, grade, type, or style of pack, or container size of vinegar cured herring sold to each separate class of purchasers obtained by dividing the gross receipts figures reported under subparagraph (1) by the corresponding unit figures reported under subparagraph (2);

(4) An itemized statement in full detail of the cost per unit of ingredients, packaging materials, and direct labor, employed in final processing and packing of each kind, grade, type or style of pack, or container size of vinegar cured herring in 1941 and in 1942.

(c) Every processor subject to this Maximum Price Regulation No. 252 shall (1) preserve for examination by the Office of Price Administration all his existing records which were the basis for the computations required by § 1364.308, and (2) preserve all records of the same kind as he has customarily kept, relating to the prices which he charged for cured herring or vinegar cured herring sold on or after November 4, 1942, and (3) file

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

⁷ 7 F.R. 971, 3363, 6967.

³ 7 F.R. 5059, 7242.

with the appropriate field office of the Office of Price Administration a statement certified under oath or affirmation showing the maximum prices determined hereunder for each kind, grade, type or style of pack, and container size of cured herring or vinegar cured herring and all his customary allowances, discounts, or other price differentials, such statement to be filed on or before November 20, 1942, and (4) preserve a true copy of such statement for examination by any person during business hours. Any person who claims that substantial injury would result to him from making such statement available to any other person shall so notify the appropriate field office of the Office of Price Administration. The information contained in such a statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 252.

(d) Every processor of cured herring or vinegar cured herring shall keep such other records and shall submit such other reports to the Office of Price Administration in addition to or in place of the records and reports specified in paragraphs (a), (b), (c), and (d) of this section as the Office of Price Administration may from time to time require.

§ 1364.309 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 252 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 252 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.310 *Petitions for amendment.* Persons seeking modification of any provision of this Maximum Price Regulation No. 252 may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

1364.311 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 252 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.312 *Definitions.* (a) When used in this Maximum Price Regulation No. 252 the term:

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

(2) "Cured herring" means Atlantic sea herring preserved by pickling in a mild vinegar solution, salting, or otherwise, and packed in casks, barrels, or other containers, in the manner usually employed in the preliminary stages of preparation of herring destined for consumption as vinegar-cured herring.

(3) "Vinegar-cured herring" means cured herring further processed by pickling in a solution of vinegar, and sugar with the addition of spices or other ingredients and repacked in jars, pails, or other containers customary in the trade. By way of enumeration but not of limitation, vinegar-cured herring includes the commodities sold under the trade designations cut lunch, gaffelbitar, sprats, rollmopse, tidbits, hamburg spiced herring, bismark herring, appetite herring, whole spiced herring, vinegar herring, fillets, and sill-bitar.

(4) "First processor" means any person who manufactures cured herring for sale to a final processor.

(5) "Final processor" means any person who manufactures vinegar-cured herring.

(6) "Unit" means jar, pail, or other container in which vinegar-cured herring is packaged for distribution to consumers. Aggregates of units, such as dozens or cases, shall not be deemed units for the purpose of computation and reporting under § 1364.303 and § 1364.308 of this regulation.

(7) "Purchaser of the same class" refers to the practice adopted by the final processor in setting different prices for vinegar cured herring for sales to jobbers and to retailers or for different quantities or under different conditions of sale: *Provided*, That persons purchasing for sale at retail, such as chain stores, if members of a class which a seller treated in sales during 1941 as jobbers, shall continue to be treated as jobbers rather than as retailers.

(8) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the

state office for the State) in which is located the seller's place of business from which his sales are made.

(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.

§ 1364.313 *Effective date.* This Maximum Price Regulation No. 252 (§§ 1364.301 to 1364.313, inclusive) shall become effective November 4, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11633; Filed, October 30, 1942; 12:19 p. m.]

PART 1381—SOFTWOOD LUMBER

[MFR 26; Amendment 9]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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.*

In paragraph (a) of § 1381.62 the table entitled "Maximum Prices for Douglas Fir Ponton Lumber, United States Army—Corps of Engineers, Specifications" is amended; in paragraph (c), the first undesignated paragraph is amended, and paragraph (g) (2) is amended.

§ 1381.62 *Appendix A: Maximum prices for Douglas fir and other West Coast lumber where shipment originates at a mill.* (a) The maximum prices for Douglas fir lumber, f. o. b. mill, per one thousand feet board measure where shipment originates at the mill, shall be as follows: * * *

*Copies may be obtained from the Office of Price Administration.
*7 F. R. 4573, 4701, 5169, 5360, 6163, 6323, 6424, 7235, 8324.

PONTON LUMBER—U. S. ARMY, SPECIFICATIONS

	Specification No.	Net size per piece	Nominal size	Maximum price
25-TON MODEL, 1630				
Chess.....	T-1013.....	2 1/2 x 11 1/2-16'	3 x 12 1/2-16'	\$59.00
Half chess.....	T-1013.....	2 1/2 x 7 1/2-16'	3 x 6-16'	70.00
Sill.....	T-1013.....	2 1/2 x 5 1/2-16'	3 1/2 x 12 1/2-16'	150.00
Ponton talk.....	T-1017.....	2 1/2 x 7 1/2-21 1/2'	3 1/2 x 8 1/2-22'	175.00
Trestle talk.....	T-1017.....	2 1/2 x 7 1/2-16'	3 1/2 x 8 1/2-16'	175.00
Transverse talk.....	T-1017.....	2 1/2 x 10 1/2-16'	3 1/2 x 12 1/2-16'	99.00
Spacer blocks.....	T-1013.....	1 1/2 x 2 1/2-16'	1 1/2 x 2 1/2-16'	75.00
Spacer blocks.....	T-1013.....	1 1/2 x 4-16'	1 1/2 x 4 1/2-16'	75.00
6-TON MODEL, 1633				
Trestle talk.....	T-1017.....	4 1/2 x 6-15 1/2'	4 1/2 x 6 1/2-16'	175.00
Chess.....	T-1013.....	2 1/2 x 11 1/2-12'	3 1/2 x 12 1/2-12'	80.00
Half chess.....	T-1013.....	2 1/2 x 7 1/2-12'	3 1/2 x 6-12'	70.00
Sill.....	T-1013.....	2 1/2 x 7 1/2-12'	3 1/2 x 8 1/2-14'	170.00
Penton talk.....	T-1017.....	4 1/2 x 6-21 1/2'	4 1/2 x 6 1/2-22'	190.00

Compute footage on nominal sizes.

(c) For mixed car or mixed truck shipments \$2.00 additional per 1,000 feet board measure may be charged. No addition may be made for a mixed cargo shipment without special authorization

under paragraph (g) (2) of this section. A mixed car shipment consists of four or more items as hereinafter defined of at least 1,000 board feet each. A mixed truck shipment consists of four or more items of at least 250 feet each. For the

purposes of this definition the following classifications of lumber of any different species shall constitute an item: * * *

(2) For prices of workings, specifications, special grades, services, or extras not otherwise provided for in this section, the seller shall apply to the Lumber Branch of the Office of Price Administration in Washington, D. C., for an authorized price. In such application the seller shall:

(i) Describe in detail the workings, specifications, special grades, services, or other extras for which he wishes a maximum price determined;

(ii) State how the requested price was determined;

(iii) Furnish any price lists or invoices which would indicate that the price requested is in its normal pre-price-control relationship to the general level of prices established in paragraph (a) of this section.

(iv) Give any other facts which the seller wishes to furnish which will enable the Office of Price Administration to authorize the proper price.

The Office of Price Administration, shall within 30 days of the receipt of the application, either authorize the requested price, or authorize a price which is deemed proper. Authorization may be by letter or telegram. If the Office of Price Administration does not within 30 days either authorize a price or require further justification of the requested price, the requested price shall be considered approved.

Pending approval of such price, the seller may quote and deliver at a price which is agreed by the parties to be subject to adjustment to the price approved by the Office of Price Administration, but the seller may not accept payment and the buyer may not make final payment until a price has been authorized.

§ 1381.61a Effective dates of amendments. * * *

(i) Amendment No. 9 (§ 1381.62 (a), (c), (g)) to Maximum Price Regulation No. 26 shall become effective November 5, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-11091; Filed, October 30, 1942; 12:19 p. m.]

PART 1389—APPAREL [MPR 153, as Amended, Amendment 3]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

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.*

*Copies may be obtained from the Office of Price Administration. 17 F.R. 4381, 5869, 7010, 7535.

In § 1389.3 (e) (3), subdivision (iii) is amended, and in § 1389.11, paragraph (e) is added, so as to read as set forth below:

§ 1389.3 Maximum prices for new lines of women's, girls' and children's outerwear garments. * * *

(e) * * * (3) * * *

(iii) For purposes of sales, other than sales at wholesale or retail, the period between July 1 to September 30, 1941, inclusive; except that for purposes of sales to ultimate consumers by "dress-makers" or "custom tailors" from their own regular establishments, of garments produced or fabricated by them to the individual specifications and at the special orders of such ultimate consumers, the period between August 1 to December 31, 1941, inclusive.

§ 1389.11 Effective dates of amendments. * * *

(e) Amendment No. 3 (§§ 1389.3 (e) (3) (iii) and 1389.11 (e)) to Maximum Price Regulation No. 153, as amended, shall become effective November 5, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-11090; Filed, October 30, 1942; 12:16 p. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[MPR 125, Amendment 3]

WILLIAM A. HARDY & SONS

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

A new paragraph (j) is added to § 1395.2, and a new paragraph (c) is added to § 1395.10a, as set forth below:

§ 1395.2 Exceptions. * * *

(j) Permission is hereby granted to William A. Hardy & Sons Company, Fitchburg, Massachusetts, to sell the following castings at prices employing working margins not in excess of those specified below. "Working margin", for the purpose hereof, is the differential between the total selling price and the price of the ingot specified in the contracts referred to.

Castings

Castings sold under Item 2 of Schedule A of contract dated January 1, 1942, between William A. Hardy & Sons Company and the Boston & Maine Railroad, and identical castings sold to other railroads under similar contracts. 5.875¢ Castings sold during the period from May 11, 1942 to May 31, 1942, inclusive, under Item 7 of Schedule A of the above contract with the Boston & Maine Railroad, and identical castings sold to other railroads during the same period under similar contract. 3¢

* 17 F.R. 3202, 3990, 7249.

Working margins per pound

Castings—Continued

Castings produced on and after June 1, 1942, under Item 7 of Schedule A of the above contract with the Boston & Maine Railroad, and identical castings sold to other railroads on and after said date under similar contracts. 4¢

§ 1395.10a Effective dates of amendments. * * *

(c) Amendment No. 3 (§ 1395.2(j) and § 1395.10a(c)) shall become effective as of May 11, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-11092; Filed, October 30, 1942; 12:13 p. m.]

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 251]

CONSTRUCTION AND MAINTENANCE SERVICES AND SALES OF BUILDING AND INDUSTRIAL EQUIPMENT AND MATERIALS ON AN INSTALLED OR ERECTED BASIS

In the judgment of the Price Administrator it is necessary and proper to establish a method of determining maximum prices for sales of construction and maintenance services and building and industrial equipment and materials on an installed or erected basis which differs, in some respects, from the method of computing maximum prices established therefor by the General Maximum Price Regulation. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

The maximum prices established by this regulation, in the judgment of the Price Administrator, will be fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this 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, as amended, and Executive Order No. 9250, in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 251 is hereby issued.

- Sec. 1397.51 General Maximum Price Regulation superseded. 1397.52 Definitions. 1397.53 Exclusions.

* 17 F.R. 971, 3663, 6967.

Sec.	
1397.54	Prohibition against sales at higher than maximum prices.
1397.55	Maximum prices for sales under \$500.
1397.56	Maximum prices for sales on a cost-plus basis.
1397.57	Maximum prices for sales on a unit price or lump-sum basis.
1397.58	Bontuses.
1397.59	Special pricing methods.
1397.60	Less than maximum prices.
1397.61	Certificates of compliance.
1397.62	Notification of purchaser of existence of regulation.
1397.63	Evasion.
1397.64	Records and reports.
1397.65	Licensing.
1397.66	Registration of licensee.
1397.67	Enforcement.
1397.68	Petitions for amendment or adjustment.
1397.69	Geographical applicability.
1397.70	Effective date.

AUTHORITY: §§ 1397.51 to 1397.70, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1397.51 *General Maximum Price Regulation superseded.* The provisions of the General Maximum Price Regulation are superseded with respect to sales of construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 251, or which are exempted from this Maximum Price Regulation No. 251 under the provisions of § 1397.53 (f) hereof.

§ 1397.52 *Definitions.* (a) When used in this Maximum Price Regulation No. 251, the term:

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

(2) "Building or industrial equipment or materials" includes any raw material, commodity or processed or fabricated article used in or made a part of any building or construction project.

(3) A "sale on an installed or erected basis" means a transaction in which the seller furnishes building or industrial equipment or materials, together with the labor or services required to incorporate such building or industrial equipment or materials into a building, structure, or construction project.

(4) "Construction or maintenance services" means all services rendered with respect to any building, structure, or construction project or any part thereof.

(5) "Price 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 order issued pursuant to any such regulation or schedule.

(6) "Government contract" means any contract with the United States or

any agency thereof or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or with any agency of any such government

§ 1397.53 *Exclusions.* This Maximum Price Regulation No. 251 shall not apply to the sale or supplying of:

(a) Any service which is excluded from the General Maximum Price Regulation by paragraph (b) of Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation, as amended, including future amendments thereto;

(b) Any service specified in § 1499.101 (c), as amended, including future amendments, of Maximum Price Regulation No. 165, as amended—Services;

(c) Any construction or maintenance service or any commodity on an installed or erected basis for which a maximum price is established by any other price regulation* except the General Maximum Price Regulation;

(d) Any construction or maintenance service or any building or industrial equipment or materials on an installed or erected basis not delivered or supplied for use on a fixed structure or fixed construction project;

(e) Any construction or maintenance service or any building or industrial equipment or materials on an installed or erected basis pursuant to a contract entered into prior to the date of issuance of this regulation. Any substantial revision or modification of a contract shall be deemed a new contract for the purposes of this paragraph;

(f) Any construction or maintenance service or any building or industrial equipment or materials on an installed or erected basis pursuant to a prime contract with the War Department, the Navy Department, or any agency of the United States whose contracts are classified hereunder by order of the Office of Price Administration, or any subcontract to such prime contract: *Provided*, That the War Department, the Navy Department, or other agency of the United States classified hereunder shall certify, at the time the contract or subcontract is made, that the contract or subcontract has been negotiated or will be renegotiated in accordance with a method previously filed with the Office of Price Administration: and *Provided further*, That, notwithstanding the other provisions of this paragraph (f), the seller shall remain subject to the provisions of § 1397.61 (c) of this Maximum Price Regulation No. 251.

§ 1397.54 *Prohibition against sales at higher than maximum prices.* (a) On and after the effective date of this Maximum Price Regulation No. 251:

(1) No person shall sell or deliver or contract to sell or deliver building or industrial equipment or materials on an installed or erected basis, or sell or supply any construction or maintenance

service, at a price higher than the maximum price established by this Maximum Price Regulation No. 251.

(2) No person, in the course of trade or business, shall buy or receive any building or industrial equipment or materials on an installed or erected basis, or any construction or maintenance service at a price higher than that permitted by this Maximum Price Regulation No. 251: *Provided*, That if upon completion of a sale subject to this regulation the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information, and belief, the prices charged do not exceed the maximum price established by this Maximum Price Regulation No. 251; and if the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, and if the actual price paid is not in excess of the maximum price as affirmed by the seller, the purchaser shall be relieved of liability under this section. The certificate provided for in § 1397.61 (a) or (b) hereof shall be deemed a written affirmation for the purposes of this section.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph (a).

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any agency of the United States, or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 251 or by the Emergency Price Control Act of 1942.

§ 1397.55 *Maximum prices for sales not exceeding \$500.* In the case of any sale subject hereto, the price for which in March 1942 would not have exceeded \$500, the seller shall determine his maximum price hereunder as follows:

To the price which would have been charged for said sale in March 1942 (based on his then prevailing rates for labor and material and his then prevailing margin), the seller shall add increases in labor costs thereon up to July 1, 1942. The resulting figure shall be the maximum price for such sale.

§ 1397.56 *Maximum prices for sales on a cost-plus basis.* (a) The maximum price (except as determined under § 1397.55), in the case of sales or contracts to sell on the basis of cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or any other basis of addition to cost, shall be an amount not in excess of the sum of the following:

(1) Materials and supplies at actual cost, but in no event at prices in excess of those permitted by any applicable price regulation of the Office of Price Administration: *Provided, however*, That where the building or industrial equipment or materials are manufactured or processed by the seller, the cost thereof for the purpose of this section shall not exceed the lowest maximum price which the seller would be permitted to charge under any applicable price regulation on a sale of such materials or equipment to

* See, for example, Revised Price Schedule No. 136—Machines and Parts.

a third party purchasing a similar quantity.

(2) Actual labor costs: *Provided, however,* That such costs shall not be allowed in an amount to exceed the cost of such labor computed on the basis of labor rates in the area of installation in effect on July 1, 1942.

(3) Such other actual direct costs incurred by the seller, including the cost of subcontracts, not otherwise provided for in subparagraphs (1) and (2) above: *Provided, however,* That such costs may not be allowed in an amount in excess of the maximum prices fixed therefor by this Maximum Price Regulation No. 251 or by any other applicable price regulation.

(4) A margin to include administrative, supervisory, and overhead costs and profit (excluding any reserve for contingencies) not in excess of such percentage of one or more of the other costs enumerated in subparagraphs (1), (2), and (3) of this section as (i) constituted the seller's highest margin similarly calculated during the base period January 1, 1939, to March 31, 1942, on the most comparable sale involving the same type of work, or (ii) if the margin cannot be determined under (i), a margin which would have constituted the seller's margin similarly calculated in March 1942, on a comparable sale involving the same type of work and based on the seller's own general experience, and the experience of the industry on such comparable sales.

The margin determined hereunder must be supported by records, or other competent evidence, of previous transactions occurring during the base period. These records and evidence must be produced on request of the Office of Price Administration.

(b) Within ten days after entering into any cost-plus contract subject to this Maximum Price Regulation No. 251, the seller shall submit to the nearest district, state, or regional office of the Office of Price Administration a report setting forth a description of the job, an estimate of the costs and a statement of the percentage margin or, in the case of a cost-plus-a-fixed-fee contract, the estimated margin in dollars and cents, as set forth in § 1397.56 (a) (1) to (4) above, and an indication of the items of overhead included therein.

§ 1397.57 *Maximum prices for sales on a unit-price or lump-sum basis.* (a) The maximum contract price (except when determined under § 1397.55), in the case of sales or contracts to sell on a unit price basis or on the basis of a total selling price (inclusive of all costs and profit), commonly referred to as a lump-sum contract, shall be an amount not in excess of the sum of the following:

(1) Estimated cost of materials and supplies at a price not in excess of that permitted by any applicable price regulation of the Office of Price Administration: *Provided, however,* That where the building or industrial equipment or materials are manufactured or processed by the seller, the cost thereof for the purposes of this Maximum Price Regulation No. 251 shall not exceed the lowest maximum price which the seller would be per-

mitted to charge under any applicable price regulation on a sale of such materials or equipment to a third party purchasing a similar quantity.

(2) Estimated labor costs: *Provided, however,* That such costs shall not be allowed in an amount to exceed the cost of such labor computed on the basis of labor rates in the area of installation in effect on July 1, 1942.

(3) Estimated other direct costs, including the cost of subcontracts, applicable to each such sale not otherwise provided for in subparagraphs (1) and (2) above: *Provided,* That any commodity or service included in this estimate, whether subject to this Maximum Price Regulation No. 251 or any other applicable price regulation may be included only at a price not in excess of the maximum price permitted by any such regulation.

(4) An estimated reserve for such contingencies as the seller in good faith can reasonably foresee.

(5) A margin to include administrative, supervisory, and overhead costs and profit not in excess of such percentage of one or more of the other estimated costs enumerated in the subparagraphs (1), (2), (3), and (4) of this section as (i) constituted the seller's highest margin similarly calculated during the base period January 1, 1939, to March 31, 1942, on the most comparable sale involving the same type of work, or (ii) if the margin cannot be determined under (i), a margin which would have constituted the seller's margin similarly calculated in March 1942, on a comparable sale involving the same type of work and based on the seller's own general experience, and the experience of the industry on such comparable sales.

The margin determined hereunder must be supported by records, or other competent evidence, of previous transactions occurring during the base period. These records and evidence must be produced on request of the Office of Price Administration.

(b) Within ten days after entering into any unit price or lump-sum contract subject hereto, the seller shall submit to the nearest district, state, or regional office of the Office of Price Administration a report setting forth:

- (1) A complete description of the job;
- (2) Estimated costs of materials and supplies;
- (3) Estimated labor costs;
- (4) Estimated other direct costs, including the cost of each subcontract;
- (5) Estimated reserve for contingencies;
- (6) Estimated margin and the method by which it is computed; and
- (7) The contract price.

No less than ten days before the anticipated final settlement under the lump-sum contract, a further report shall be submitted to the office to which the initial report was submitted, setting forth the actual costs for each of the above-mentioned items (2) to (5), inclusive. The seller may file his estimate sheets or other working papers in lieu of the reports required hereunder, or any part thereof, provided that the required information is fully set forth therein.

§ 1397.58 *Bonuses.* No seller shall charge, demand, or receive, and no buyer shall tender or pay, any bonus, consideration, gratuity, or any other addition to the maximum price, calculated on the basis set forth in this Maximum Price Regulation No. 251, and no seller or buyer shall agree to do any of the foregoing for early completion of such sale or for any other reason, except upon specific approval and authorization of the Office of Price Administration. Applications for such authorization shall be filed with the Office of Price Administration, Washington, D. C., and shall set forth a description of the job and its location, the contract price for the job, the amount of the proposed bonus, and the reasons for requesting permission to provide for it.

§ 1397.59 *Special pricing methods.* The Office of Price Administration may by order under this section provide a special pricing method to replace the pricing method set forth herein for any industry, or part thereof, subject to this Maximum Price Regulation No. 251.

§ 1397.60 *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 251 may be charged, demanded, paid, or offered.

§ 1397.61 *Certificates of compliance.* (a) In the case of any sale subject to this Maximum Price Regulation No. 251 in which the total sale price exceeds \$500, the seller, at the time of final settlement, shall furnish a certificate to the purchaser setting forth the ceiling price as determined under this Maximum Price Regulation No. 251 and the sale price, together with a statement that the terms of this Regulation have been complied with. A duplicate of this certificate shall be filed with the nearest district, state, or regional office of the Office of Price Administration.

(b) A certificate similar to the one provided for in paragraph (a) of this section shall be furnished to the purchaser in the case of any sale under \$500 where demand therefor is made by the purchaser.

(c) In the case of any sale excluded from this Maximum Price Regulation No. 251 under the provisions of § 1397.53 (f), the seller shall file with the Office of Price Administration, Washington, D. C., at any time before final payment, a certificate that it has purchased or rented no equipment or materials at prices higher than the maximum prices permitted under the terms of any applicable price regulation.

§ 1397.62 *Notification of purchaser of existence of regulation.* Every person making sales subject to this Maximum Price Regulation No. 251 shall, before entering into a contract or making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 251, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 251 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1397.63 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 251 shall not be evaded,

whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, transfer, or purchase of, or relating to, any sale of building or industrial equipment or materials on an installed or erected basis, or any construction or maintenance service, alone, or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, rebate, discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by requiring the purchaser to furnish material for processing not in accordance with previous practice or by reducing the period of any guaranty or warranty of performance, or by eliminating or reducing any maintenance, repair, or installation service, or by undervaluing commodities received in trade, or by eliminating or reducing credits on purchases, or by lowering quality, or by any other change in terms, methods, or conditions of sale, delivery, or supply, or otherwise.

§ 1397.64 *Records and reports.* (a) Persons subject to this Maximum Price Regulation No. 251 shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect full records of each sale of building or industrial equipment or materials on an installed or erected basis, and of all sales of construction and maintenance services, after the effective date of this Maximum Price Regulation No. 251, showing the name of the purchaser, the date of the transaction, a description of the commodities and services involved, a detailed statement of the method by which the maximum price was calculated, together with all such records of a kind which the seller has customarily kept. Any person subject to this Maximum Price Regulation No. 251 who has regularly furnished customers with invoices, sales slips, receipts, or similar documents shall continue to do so.

(b) Such persons designated in paragraph (a) of this section shall submit such reports to the Office of Price Administration and keep such other records in addition to, or in place of, the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1397.65 *Licensing.* Every person making or contracting to make any sale of building or industrial equipment or materials on an installed or erected basis, or any sale of construction and maintenance services, for which a maximum price is established by this regulation, is hereby granted a license as a condition of making such sale. Such license shall be effective on the effective date of this regulation or when any such person becomes subject hereto, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as this regulation or any applicable part, amendment, or supplement remains in effect.

§ 1397.66 *Registration of licensee.* Every person hereby licensed may be re-

quired to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1397.67 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 251 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. 251, or any other price regulation, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1397.68 *Petitions for amendment or adjustment—(a) Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a Government contract or a subcontract under any such contract, who believes that a maximum price established by this Maximum Price Regulation No. 251 impedes or threatens to impede production of a commodity or supply of a service which is essential to the war program and which is, or will be, the subject of such contract or subcontract may file an application for adjustment of that maximum price in accordance with Procedural Regulation No. 6,² issued by the Office of Price Administration.

(b) *General amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 251 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1397.69 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 251 shall be applicable to the continental United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

§ 1397.70 *Effective date.* This Maximum Price Regulation No. 251 (§§ 1397.51 to 1397.70, inclusive) shall become effective November 5, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11086; Filed, October 30, 1942; 12:17 p. m.]

PART 1499—COMMODITIES AND SERVICES
[GMR, Amendment 31]
COST-OF-LIVING COMMODITIES

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

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6031, 6397, 6216, 6615, 6794, 6939, 7033, 7322, 7454, 7763, 7913, 8431.

² 7 F.R. 5087, 5664.

been filed with the Division of the Federal Register.*

A new paragraph (c) is added to § 1499.13 as set forth below.

§ 1499.13 *Maximum prices of cost-of-living commodities; statement, marking or posting.* * * *

(c) No person is required to mark or file the maximum price of any commodity manufactured by him if his only sales at retail of such commodity are made to his employees.

§ 1499.23a *Effective dates of amendments.* * * *

(ff) Amendment No. 31 (§ 1499.13 (c)) to General Maximum Price Regulation shall become effective November 5, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11037; Filed, October 30, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14, Amendment 46]

HOUSEHOLD SOAPS AND CLEANSERS

General Maximum Price Regulation—Amendment No. 46 to Supplementary Regulation No. 14.²

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

A new subparagraph (35) 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: * * *

(35) *Sales at wholesale of household soaps and cleansers.* (i) Any seller at wholesale of household soaps or cleansers may, at his option, establish as his maximum prices therefor the maximum prices hereinafter established in lieu of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation:

(a) Any seller at wholesale of a household soap or cleanser whose price therefor in August 1941 was more than the manufacturer's carload delivered price before cash discount, may sell such soap or cleanser at the price therefor set forth in Column A of Appendix A hereof, or if such soap or cleanser is not

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

² 7 F.R. 5423, 5709, 6903, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6337, 6632, 6776, 6939, 7011, 7012, 6335, 7259, 7239, 7203, 7363, 7401, 7453, 7400, 7510, 7536, 7604, 7532, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8163, 8351, 8356, 8524.

TOILET SOAPS

Brand name	Pack	Size	Price per case B	Price per case A
REGULAR				
Lifbuoy	100	Regular	\$6.00	\$6.08
Lifbuoy	50	Regular	3.025	3.06
Lux Toilet	100	Regular	6.00	6.08
Lux Toilet	50	Regular	3.025	3.06
Camay	144	Regular	8.633	8.72
Camay	72	Regular	4.365	4.41
Palmolive	144	Regular	8.63	8.72
Palmolive	72	Regular	4.37	4.41
Woodbury	144	Regular	3.25	3.28
Woodbury	72	Regular	1.625	1.64
Sweetheart	100	Regular	9.01	9.08
Sweetheart	50	Regular	4.505	4.54
Ivory (Medium)	100	Medium	5.287	5.31
Ivory (Medium)	50	Medium	2.668	2.70
Lava (Medium)	100	Medium	5.287	5.31
Lava (Medium)	50	Medium	2.668	2.70
LARGE				
Swan	100	Large	8.06	9.05
Swan	50	Large	4.03	4.52
Ivory	100	Large	8.024	9.02
Ivory	50	Large	4.011	4.51
Lava	100	Large	8.003	8.08
Lava	50	Large	4.074	4.11
BATH SIZE				
Lux Toilet	50	Bath size	4.275	4.32
Camay	100	Bath size	8.491	9.02
Camay	50	Bath size	4.245	4.54
Palmolive	100	Bath size	8.50	8.65
Palmolive	50	Bath size	4.25	4.35
GUEST SIZE				
Lifbuoy	144	Guest size	5.40	5.45
Lifbuoy	72	Guest size	2.70	2.73
Ivory	144	Guest size	5.82	5.88
Ivory	72	Guest size	2.93	2.99

BAR LAUNDRY SOAPS

Brand name	Pack	Size	Price per case B	Price per case A
P & G White Laundry or P & G The White Naphtha				
P & G White Laundry or P & G The White Naphtha	100	Large	\$4.074	\$4.11
American Family Soap	80	Regular	3.492	3.53
American Family Soap	40	Regular	3.977	4.02
Crystal White Family Soap	100	Large	3.25	3.28
Crystal White Family Soap	50	Large	3.49	3.53
Kirkman's Borax	100	Regular	4.250	4.29
Kirkman's Borax	50	Regular	2.125	2.14
Octagon	120	Small	4.12	4.16
Octagon	60	Small	2.06	2.08
Fels Naphtha	100	Regular	4.43	4.49

WASHING POWDERS

Brand name	Pack	Size	Price per case B	Price per case A
GIANT				
Gold Dust	12	36 oz	31.750	\$1.77
Star	12	30 oz	1.601	1.62
Grandma's	12	30 oz	2.72	2.75
Octagon	20	40 oz	1.850	1.87
Kirkman's	12	40 oz	2.45	2.47
LARGE				
Gold Dust	60	10 oz	2.45	2.47
O.K.	60	14 1/2 oz	2.20	2.23
Octagon	60	14 oz	2.33	2.35
Kirkman's	50	12 oz	2.10	2.12
REGULAR				
Gold Dust	100	6 1/2 oz	2.00	2.03
O.K.	120	7 1/2 oz	2.28	2.30
Star	100	8 1/2 oz	2.41	2.43
Grandma's	100	8 1/2 oz	2.41	2.43
Octagon	120	7 oz	2.70	2.73

listed in such Appendix A he may sell such unlisted soap or cleanser at the manufacturer's carload delivered price thereof before cash discount plus one percent of such manufacturer's price. (b) Any seller at wholesale of a household soap or cleanser whose price therefor in August 1941 did not exceed the manufacturer's carload delivered price before cash discount may sell such soap or cleanser at the price set forth in Column B of Appendix A hereof, or if such soap or cleanser is not listed in such Appendix A, he may sell such unlisted soap or cleanser at the manufacturer's carload delivered price before cash discount.

(H) Appendix A: Maximum delivered cash prices for household soaps and cleansers sold at wholesale.

FINE FABRIC PACKAGE SOAPS

Brand name	Pack	Weight (per item)	Price per case B	Price per case A
LARGE				
Lux Flakes	20	12 1/2 oz	\$4.10	\$4.14
Ivory Snow	24	12 1/2 oz	4.85	4.90
Draft	24	12 1/2 oz	4.85	4.90
Vol	24	12 1/2 oz	4.85	4.90
Kiehl	24	17 1/2 oz	4.27	4.31
REGULAR				
Lux	100	5 oz	8.25	8.33
Ivory Flakes	60	5 oz	4.15	4.19
Ivory Snow	60	5 oz	4.85	4.90
Draft	60	5 oz	4.85	4.90
Vol	48	3 1/2 oz	3.88	3.92
Kiehl	48	8 1/2 oz	4.17	4.21
GIANT				
Lux	0	28 oz	4.00	4.04
Draft	0	23 1/2 oz	4.763	4.80
Vol	0	32 1/2 oz	4.75	4.80

PACKAGE LAUNDRY SOAPS

Brand name	Pack	Weight (per item)	Price per case B	Price per case A
LARGE				
Rinso	24	24 oz	\$4.00	\$4.05
Oxydol	24	24 oz	4.00	4.05
Super Suds Concentrated	24	24 oz	4.80	4.95
Chipsso Flakes	24	21 1/2 oz	4.80	4.95
Chipsso Candies	24	21 1/2 oz	5.100	5.24
Silver Dust	24	17 1/2 oz	2.050	2.06
Soak	24	21 1/2 oz	4.850	4.95
American Family Flakes	24	21 oz	4.947	5.00
White King Granulated	24	20 oz	0.200	0.35
White King Granulated	24	22 oz	5.03	5.08
Magic Washer	24	25 oz	4.70	4.75
Fels Naphtha Chips	24	21 oz	4.20	4.24
REGULAR				
Rinso	60	9 oz	4.80	4.95
Oxydol	60	9 oz	4.80	4.95
Super Suds Concentrated	60	9 oz	4.90	4.95
Chipsso Flakes	60	8 1/2 oz	4.80	4.95
Duz	60	8 1/2 oz	4.80	4.95
American Family Flakes	60	8 oz	4.047	5.00
White King Granulated	48	8 oz	4.200	4.30
Magic Washer	60	8 oz	4.70	4.75
Fels Naphtha Chips	60	8 1/2 oz	4.20	4.24
GIANT				
Rinso	8	60 oz	4.60	4.65
Oxydol	8	60 oz	4.68	4.65
Super Suds Concentrated	8	60 oz	4.61	4.65
Duz	8	62 1/2 oz	4.63	4.65
White King Granulated	12	48 oz	5.25	5.30

The maximum prices set forth in this Column A are established only for wholesalers whose maximum price for the product named was in August 1941, more than the manufacturer's carload delivered price therefor before cash discount. Any person who determines his maximum selling price under this amendment to Supplementary Regulation No. 14 must keep the records and make the reports required under subdivision (d) and must give the facts to buyers required under subdivision (w).

SCOURING CLEANSERS

Brand Name	Pack	Weight (per item)	B Price per case	A Price per case
Gold Dust.....	24	14 oz.....	1.69	1.69
Old Dutch Cleanser.....	48	14 oz.....	3.03	3.03
Kitchen Klezzer.....	40	13 oz.....	2.69	2.62
Kirkman's.....	48	14 oz.....	1.62	1.61
Crystal White.....	48	13 oz.....	1.79	1.81

(iii) *Records and reports.* Any person who determines his maximum selling price for any household soap or cleanser under this Amendment No. 46 to Supplementary Regulation 14 of the General Maximum Price Regulation shall, within 10 days of his first sale at such adjusted price, file with the Office of Price Administration in Washington, D. C. an affidavit containing the following information with respect to each such commodity:

(a) The name of the commodity and the name of its manufacturer.

(b) His maximum selling price on such commodity as established under § 1499.2 of the General Maximum Price Regulation together with his maximum selling price as adjusted under this amendment.

(c) The average percentage mark-up enjoyed by him during August 1941 over the manufacturer's wholesale carload price per case before cash discount on such commodity.

(iv) *Notice.* Any person who determines his maximum selling price for any household soap or cleanser under this Amendment No. 46 to Supplementary Regulation 14 of the General Maximum Price Regulation shall deliver invoices to buyers covering sales subject to this amendment, and at the time of delivery attach to his first invoice to each such buyer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert name of product) from \$----- to \$----- This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of (insert name of product).

(v) *Definitions.* (a) "Household soaps and cleansers" shall mean any soap, soap product, soapless detergent, or cleanser customarily sold to household consumers.

(b) "Carload" shall mean any quantity of soap upon which the manufacturers thereof allow a carload quantity discount.

(c) "Price per case" shall mean the cash price per case delivered to the buyer's premises.

(d) "Seller" shall mean the person actually making the sale, but for the purpose of determining margins existing in August 1941 includes any predecessor whose business was taken over by the actual seller.

(b) *Effective dates.* * * *

(47) Amendment No. 46 (§ 1499.73 (a) (35)) to Supplementary Regulation No. 14 shall become effective November 5, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11099; Filed, October 30, 1942; 12:18 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 74 Under § 1499.18 (b) of GMPR]

B. & G. CANDY COMPANY—DETROIT BOARD OF EDUCATION

Order No. 74 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF 3-1962.

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

§ 1499.874 *Adjustment of maximum prices for bar candy sold by B. & G. Candy Company to Board of Education of the City of Detroit.* (a) The B. & G. Candy Company of Detroit, Michigan, is hereby authorized to sell and deliver to the Board of Education of the City of Detroit, and the Board of Education of the City of Detroit may buy and receive from the B. & G. Candy Company the following commodities at prices not higher than those set forth below:

(1) Boxes of the following bar candy: Milky Way, Clark Bar, Oh Henry, Baby Ruth, Heath Bar, Tootsie Rolls, Nestle, Hershey, Nestle Almond, Hershey Almond, Welch Fudge, at 73¢ per box less 2% for prompt payment.

(b) The adjustment granted to B. & G. Candy Company is subject to the condition that the Board of Education of the City of Detroit shall not charge a higher price for candy bars at retail than its highest price during March 1942.

(c) The B. & G. Candy Company shall notify the Board of Education of the City of Detroit that said Board of Education may not charge a higher price for candy bars at retail than its highest price during March 1942.

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

(e) This Order No. 74 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 74 (§ 1499.874) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 74 (§ 1499.874) shall become effective October 31, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11100; Filed, October 30, 1942; 12:10 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 113 Under § 1499.3 (b) of GMPR]

ROCKINGHAM SHOE CO.

Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 113.

Rockingham Shoe Company, New Market, New Hampshire, made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for an authorization to determine maximum prices for two new women's shoes. Due consideration has been given to the application and it appears that the new shoes cannot be priced by the seller under § 1499.2 of the General Maximum Price Regulation. For the reasons set forth in an opinion in support of this order, which has been issued simultaneously herewith and has been 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, as amended, and Executive Order No. 9250, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.977 *Approval of method of determining maximum prices of two new shoes for Rockingham Shoe Company, New Market, New Hampshire.* (a) Rockingham Shoe Company is hereby authorized to determine the maximum price for two new styles of women's shoes in the following manner:

(1) From the same general classification as the new shoe it shall select as a base shoe a shoe which has the March 1942 total direct labor and material cost nearest to the calculated March 1942 total direct labor and material cost of the new shoe, which has a price established under § 1499.2 of the General Maximum Price Regulation, and of which a substantial number of units was delivered in March 1942. If there is no shoe of the same general classification, it shall select as a base shoe the shoe which is in the March 1942 total material and direct labor cost range nearest to the calculated March 1942 total material and direct labor cost of the new shoe, and of which it delivered a substantial number of units during March 1942.

(2) It shall divide the maximum price for the base shoe by the total March 1942 material and direct labor cost thereof;

(3) It shall multiply the percentage so obtained by the total material and direct labor cost of the new shoe figured on a March 1942 basis;

(4) It shall then subtract the total March 1942 material and direct labor cost of the base shoe from the maximum selling price thereof; and

(5) Add the total March 1942 material and direct labor cost of the new shoe to the figure so obtained.

(6) The lower of the two results (operation 3 or 5) is the maximum price for the new shoe to a purchaser of the same class as that to which the price of the base shoe applies.

(b) The costs to be used in computing the above mentioned formula are to be compiled by filling out the following report, Form GMPR: 6:

OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

Form GMPR:6

Form Approved
Budget Bureau No. 08-R100-43

REPORT OF A MAXIMUM PRICE FOR A NEW SHOE
(Determined under § 1499.3 (b) of the General Maximum Price Regulation)

This form is to be used to report the price for a type of shoe first manufactured after March 31, 1942, which cannot be priced under the general provisions of the General Maximum Price Regulation.

Name of company _____ Date _____
 Address of company _____
 (Street) (City) (State)

GENERAL INSTRUCTIONS

Schedule I of this report is used to summarize the maximum selling price and the total March material and direct labor cost of (1) the "new" shoe being priced and of (2) the "base" shoe used for comparison. The information required for this comparison is detailed in Schedules II and III, which show specifications and direct manufacturing costs of both shoes.

SCHEDULE I

Instructions: In answering Schedule I, the following point must be noted: Although you did not manufacture the "new" shoe in March 1942, you must refer to your March 1942, direct labor and material costs in pricing the "new" shoe. You must calculate the cost of producing the new shoe using the March 1942, costs which will be detailed in Schedule III.

From the same general classification as the "new" shoe, select as a base shoe a shoe: (1) Which has the March, 1942 total direct labor and material cost nearest to the calculated March, 1942 total direct labor and material cost of the new shoe; (2) which has a price established under Section 2 of the GMPR; and (3) of which a substantial number of units was delivered in March 1942.

If there is no shoe of the same general classification, select as a base shoe the shoe: (1) Which is in the March 1942 total material and direct labor cost range nearest to the calculated March 1942 total material and direct labor cost of the new shoe; and (2) of which you delivered a substantial number of units in March 1942.

Supply the information requested below for both the "base" shoe and the "new" shoe.

1. Stock number of the base shoe used for comparison _____
2. Description of the base shoe _____
3. Stock number of the "new" shoe for which a maximum price is reported _____
4. Description of the "new" shoe _____
5. Price and cost comparison:

Maximum selling price of base shoe (1)	Total March material and direct labor cost per pr. of base shoe ¹ (2)	Mark-up		Total March material and direct labor cost per pr. of new shoe ¹ (5)	Column 3 times column 5 (6)	Column 4 plus column 5 (7)
		Percent (col. 1 divided by col. 2) (3)	Dollar (col. 1 minus col. 2) (4)			

¹ Enter the March, 1942, total material and direct labor cost from Schedules II and III.

6. Maximum selling price of new shoe \$ _____ (enter the lower of the two results shown in columns (6) and (7).)

Example

Divide your maximum price for the base shoe (column 1) by the total March 1942, material and direct labor cost of that shoe (column 2). The result is to be inserted in column (3). Multiply the percentage so obtained (column 3) by the total March 1942, material and direct labor cost of the shoe being priced (column 5). The result is to be inserted in column (6).

Subtract your total March 1942, material and direct labor cost of the base shoe (column 2) from the maximum selling price of that shoe (column 1). The result so obtained is to be placed in column 4. Add the total March 1942, material and direct labor cost of "new" shoe (column 5) to the dollar mark-up (column 4). The sum is to be placed in column (7).

Your maximum selling price of the "new" shoe is the lower of the two results shown in columns (6) and (7).

Example

Maximum selling price of base shoe (1)	Total March material and direct labor cost per pr. base shoe ¹ (2)	Mark-up		Total March material and direct labor cost per pr. of new shoe ¹ (5)	Column 3 times column 5 (6)	Column 4 plus column 5 (7)
		Percent (col. 1 divided by col. 2) (3)	Dollar (col. 1 minus col. 2) (4)			
\$2.40	\$1.70	141.2%	\$0.70	\$2.25	\$3.177	\$2.95

Maximum selling price of new shoe \$2.95.

FEDERAL REGISTER, Tuesday, November 3, 1942

SCHEDULE III—DATA AS OF MARCH 1942 ON "NEW" SHOE

Address of plant

Stock number Style name

The cost data supplied below are based on (check one): per pr. 12 prs. 100 prs. other (Indicate amt.)

Parts (1)	Material (2)	Area (3)	Quantity (4)	Price (5)	Amount (6)	Total (7)	Description (8)	Amount (9)	Total (10)
Section I:							Amount forward.....		
Vamp.....							Section IV:		
Quarter.....							Outer sole.....		
Tip.....							Mid-sole.....		
Foxing.....							Tap.....		
Strap.....							Welt.....		
Brace.....							Heel.....		
Lacestay.....							Top lift.....		
Back stay.....							Inner sole.....		
.....							Shank.....		
Tongue.....							Box toe.....		
.....							Counter.....		
.....								
Heel cover.....								
.....							Section V:		
.....							Cases.....		
.....							Cartons.....		
.....							Amount forward.....		
Section II:								
Tongue lin.....							Total material.....		
Quarter lin.....								
Vamp lin.....							Section VI:		
Front lin.....							Cutting.....		
Heel stay.....							Fitting.....		
Lacestay.....							Sole fitting.....		
.....							Lasting.....		
Heel pad.....							Bottoming.....		
.....							Making.....		
Doubler.....							Finishing.....		
.....							Packing.....		
.....								
Section III:								
Binding.....							Direct labor.....		
Gore.....								
Ornament.....							Total material and direct labor.....		
Buckles.....								
.....							Per pair cost material and direct labor.....		
Laces.....								
.....								
Gen. findings.....							Selling price.....		
.....								
.....								
.....								
.....								

INSTRUCTIONS FOR SCHEDULES II AND III

Note that the information requested for Schedules II and III is as of March 1942 for each item. The information required in Schedule II should be taken from your standard or actual cost records. The data inserted in Schedule III must be computed with complete reference to the March 1942 costs of each item.

Column

SECTIONS I AND II

- (2) Material. Enter a brief description of the material used; for example, black kid, white calf, etc.
- (3) Area. Enter shoe flat or "paper" area of pattern.
- (4) Quantity. Enter the figure which is your regular cutting allowance for this pattern and material.
- (5) Price. Enter the price (in March 1942 prices) per foot, per yard, or per unit for the material specified in Column 2.

(If your cost system is not sufficiently detailed to supply information as outlined in (3) and (4) you may use a total quantity figure for each different upper material.)

Material includes all items which become a part of the finished article, including cases and cartons. It does not include lasts, dies, patterns, machine parts, etc.

SECTION III

Write in any other miscellaneous items you customarily list separately.
Findings include all small items used in making and completing the shoe tacks, eyelets, thread, etc.

SECTION IV

In Column 8 after the items "outer sole", "mid-sole", "tap", and "welt" enter the grade and irons. After the item "heel" enter in Column 8 the height and kind (that is, wood or leather, etc.).

SECTION V

The cost of cases and cartons may be combined.

SECTION VI

Direct labor (sometimes called productive labor) covers all operations performed directly on the shoe, including such items as inspecting or crowning, leather sorting, sample making, etc. It does not include such labor as pattern or die boys, floor help, rack boys, cripple cutters, cobblers, elevator, custodial, and maintenance workers, firemen, engineers, truck drivers and helpers, receiving and shipping clerks, other clericals, salesmen, or foremen or working foremen and other supervisory employees.

Note: The maximum price for the new shoe determined in accordance with this authorization shall be subject to the same allowances, discounts, and price differentials to different classes of purchasers as those allowed by the seller during March 1942, for the shoe used for comparison. The seller shall not require any purchaser to pay a larger portion of transportation costs incurred in the delivery of the new shoe than the seller required purchasers of the same class to pay during March 1942, on deliveries of the shoe used for comparison.

State of _____ }
County of _____ }

The undersigned _____, being first duly sworn according to law, on oath deposes and says: That he is the person whose name appears subscribed to the above application for adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature

Title

Subscribed and sworn to before me this _____ day of _____ A. D. 1942.

Officer Administering Oath

(c) All allowances, discounts, trade practices and practices relating to the payment of transportation costs in effect during March 1942, shall apply to the maximum prices determined under paragraph (a).

(d) Within ten days after the maximum selling prices have been determined as herein provided the Rockingham Shoe Company shall submit a verified individual report on Form GMPR 6 for each shoe priced under this Order No. 113 to the Office of Price Administration, Washington, D. C.

(e) The maximum selling prices as determined pursuant to paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(f) This Order No. 113 may be revoked or amended by the Office of Price Administration at any time;

(g) This Order No. 113 (§ 1499.977) shall become effective October 31, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11098; Filed, October 30, 1942;
12:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 104 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 104 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2018.

On September 17, 1942, McCarthy Freight System, Inc., Olney and Wales Street, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of soap, soap products, oil and case goods for the Procter and Gamble Distributing Company.

§ 1499.1104 Order dismissing application for adjustment. (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 104 (§ 1499.1104) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11101; Filed, October 30, 1942;
12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 105 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 105 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1747.

On September 2, 1942, McCarthy Freight System, Inc., Olney and Wales Street, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its trans-

portation rates for the transportation, to points in Massachusetts, of meats, meat products, food products and articles grouped therewith for Swift & Company and its subsidiaries.

§ 1499.1105 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28 and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 105 (§ 1499.1105) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11102; Filed, October 30, 1942;
12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 106 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 106 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2025.

On September 17, 1942, McCarthy Freight System, Inc., Olney and Wales Street, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of soap, soap products, washing and cleaning compounds, vegetable oil shortening and lard substitutes for Procter and Gamble Distributing Company.

§ 1499.1106 *Order dismissing application for adjustment.* (a) The Administration is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 106 (§ 1499.1106) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11103; Filed, October 30, 1942;
12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 107 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 107 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2347.

On October 9, 1942, McCarthy Freight System, Inc., Olney and Wales Streets, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of chemicals in drums and peroxide in carboys and empty drums, for the Melrose Chemical Company, Melrose, Massachusetts.

§ 1499.1107 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 107 (§ 1499.1107) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11104; Filed, October 30, 1942;
12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 108 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 108 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2062.

On September 19, 1942, McCarthy Freight System, Inc., Olney and Wales Streets, Taunton, Massachusetts, herein called applicant, filed an application for adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of boot and shoe factory supplies for the Wall Streeter Shoe Company.

§ 1499.1108 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 108 (§ 1499.1108) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11105; Filed, October 30, 1942;
12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 109 Under § 1499.18 (c) of GMPR]

COMMERCIAL MOLASSES CORPORATION

Order No. 109 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-581.

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

§ 1499.1109 *Adjustment of maximum prices for offshore blackstrap molasses sold by Commercial Molasses Corporation, New York, N. Y., from its storage terminal at Buffalo, New York.* (a) On and after October 31, 1942, Commercial Molasses Corporation, 17 East Forty-Second Street, New York, N. Y., may sell and deliver offshore blackstrap molasses from its storage terminal at Buffalo, New York, at a price no higher than the following:

(1) With respect to sales to buyers whose receiving points are located within the switching limits of Buffalo City, 21½ cents per gallon delivered by the seller to such receiving points.

(2) With respect to sales to buyers whose receiving points are located outside of the switching limits of Buffalo City, 21¼ cents per gallon f. o. b. seller's storage terminal at Buffalo in seller's tank cars. There may be added to this f. o. b. price for delivery to such receiving points located outside the switching limits of Buffalo City, an amount not in excess of the actual cost of transportation incurred.

(3) These maximum prices shall not be increased (i) by any charges for the extension of credit, or (ii) by commissions or any other charges.

(4) The term "offshore" refers to blackstrap molasses produced outside of the forty-eight states and the District of Columbia.

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

(c) This Order No. 109 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 109 (§ 1499.1109) 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. 109 (§ 1499.1109) shall become effective October 31, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11106; Filed, October 30, 1942;
12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 34, Under § 1499.18 (b) of GMFR,
Correction]

COLORADO MATTRESS COMPANY

Correction to Order No. 34¹ under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1706.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942. An Act to Amend the Emergency Price Control Act of 1942, etc. and Executive Order No. 9250, *It is ordered*, That the title to Order No. 34 under § 1499.18 (b) of General Maximum Price Regulation, Docket No. GF3-1706, "Colorado Bedding Company" is corrected to read "Colorado Mattress Company".

(f) This correction to Order No. 34 under § 1499.18 (b) of General Maximum Price Regulation, Docket No. GF3-1706, shall be effective as of September 2, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11108; Filed, October 30, 1942;
12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 30² Under § 1499.3 (b) of GMFR,
Correction]

CHRYSLER CORPORATION

The name "Chrysler Airtemp Sales Corporation" is corrected to read "Chrysler Corporation, Airtemp Division" wherever it appears in Order No. 30 under § 1499.3 (b) of the General Maximum Price Regulation.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11107; Filed, October 30, 1942;
12:15 p. m.]

¹ 7 F.R. 6966.

² 7 F.R. 6775.

PART 1341—CANNED AND PRESERVED FOODS

[MPR 226, Amendment 1]

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 226 has been issued and filed with the Division of the Federal Register.*

Section 1341.302 (b) (1) is amended by adding the following sentence: "Sales made prior to this period shall not be included, even though delivery was made during the period."

Section 1341.302 (b) (7) (ii) (b) is amended by inserting the figure "\$6.50" as the maximum permitted increase per ton for apples and crabapples in place of the words "To be announced".

The following sections are added:

§ 1341.309a *Information which packers must give their customers*—(a) *Notice from packers to wholesalers*. In the case of any item of fruit preserves, jams or jellies which is being sold by a packer to a wholesaler for the first time after the packer's maximum price for it has been established under §§ 1341.302 or 1341.303, the packer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the packer during the month of December 1941, called the "base price", (2) the packer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase". When any packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.303 (a), his base price shall be the base price of the competitor. When any packer asks for special authority to determine a maximum price under § 1341.303 (b), the Office of Price Administration will instruct him how to determine his base price. When calculating the "wholesaler's permitted increase", the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from packers to retailers*—(1) *General package requirement*. Every packer who sells any item of fruit preserves, jams or jellies during the 90-day period beginning November 6, 1942, whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase". This notice must be either pasted or stamped on the outside of each shipping case sold or printed on a slip and enclosed. In the latter case the packer shall place this statement on the outside: "Retailer's Notice Enclosed". The packer shall calcu-

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

late the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the Notice of Retailer's Permitted Increase shall read as follows:

NOTICE OF RETAILER'S PERMITTED INCREASE

Your new OPA ceiling price for the enclosed item is your March ceiling price plus _____ cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages*. In the case of any item of fruit preserves, jams or jellies which is being sold by a packer to any retailer for the first time after the packer's maximum price for it has been established under §§ 1341.302 or 1341.303 and which for any reason is being sold in a form which does not include a packer's Notice of Retailer's Permitted Increase, the packer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

Your new OPA ceiling price for each item noted is your March ceiling price plus the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

§ 1341.317 *Effective dates of amendments.*

(b) Amendment No. 1 (§§ 1341.302 (b) (1), 1341.302 (b) (7) (ii) (b), 1341.309a, and 1341.317) to Maximum Price Regulation No. 226 shall become effective on November 6, 1942.

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

Issued October 31st, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11122; Filed, October 31, 1942;
11:06 a. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 226,¹ Amendment 2]

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of this Amendment No. 2 to Maximum Price Regulation No. 226 has been issued and filed with the Division of the Federal Register.*

Section 1341.302 (b) (2) (i) is amended by deleting the period at the end and substituting a comma, and by adding the following words: "except that for the purpose of determining the 'weighted average cost delivered at the factory of 1942 fruit' the 1942 base period shall be the months of June, July, August and September."

Section 1341.302 (b) (2) (ii) is amended by deleting the period at the end and substituting a comma, and by adding the following words: "except that for the purpose of determining the 'weighted average cost delivered at the factory of 1942 fruit' the 1942 base period shall be the months of August, September and October."

* * * * *
§ 1341.317 *Effective dates of amendment.* * * *

(c) This Amendment No. 2 to Maximum Price Regulation No. 226 (§§ 1341.302 (b) (2) (i), 1341.302 (b) (2) (ii), and 1341.317 (c)) shall become effective November 5, 1942.

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

Issued this 31st day of October 1942:

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11123; Filed, October 31, 1942;
11:06 a. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 232,² Amendment 1]

APPLE BUTTER

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 232 has been issued and filed with the Division of the Federal Register.*

Section 1341.452 (b) (1) is amended by adding the following sentence: "Sales made prior to this period shall not be included, even though delivery was made during the period."

The following sections are added:

§ 1341.459a *Information which packers must give their customers—(a) Notice from packers to wholesalers.* In the case of any item of apple butter which is being sold by a packer to a wholesaler for the first time after the packer's maximum price for it has been established under §§ 1341.452 or 1341.453, the packer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the packer during the month of December 1941, called the "base price", (2) the

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

¹ 7 F.R. 7490.

² 7 F.R. 7778, 7966.

packer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase". When any packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.453 (a), his base price shall be the base price of the competitor. When any packer asks for special authority to determine a maximum price under § 1341.453 (b), the Office of Price Administration will instruct him how to determine his base price. When calculating the "wholesaler's permitted increase", the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from packers to retailers—(1) General package requirement.* Every packer who sells any item of apple butter during the 90-day period beginning November 6, 1942, whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase". This notice must be either pasted or stamped on the outside of each shipping case sold, or printed on a slip and enclosed. In the latter case the packer shall place this statement on the outside: "Retailer's Notice Enclosed". The packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the Notice of Retailer's Permitted Increase shall read as follows:

NOTICE OF RETAILER'S PERMITTED INCREASE

Your new OPA ceiling price for the enclosed item is your March ceiling price plus ---- cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages.* In the case of any item of apple butter which is being sold by a packer to any retailer for the first time after the packer's maximum price for it has been established under §§ 1341.452 or 1341.453 and which for any reason is being sold in a form which does not include a packer's Notice of Retailer's Permitted Increase, the packer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the

units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

Your new OPA ceiling price for each item noted is your March ceiling price plus the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

§ 1341.466 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1341.452 (b) (1), 1341.459a, and 1341.466) to Maximum Price Regulation No. 232 shall become effective on November 6, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11124; Filed, October 31, 1942;
11:07 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255]

PERMITTED INCREASES FOR WHOLESALERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed
Frozen fruits, berries and vegetables
Fruit preserves, jams and jellies
Apple butter
Canned shrimp
Domestic canned crabmeat

This Maximum Price Regulation No. 255 is issued by the Price Administrator in order to establish maximum wholesale prices for certain food products at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued 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, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 255 is hereby issued.

Sec.	
1351.701	Purposes of Maximum Price Regulation No. 255.
1351.702	Prohibition against selling and buying above maximum prices.
1351.703	Wholesaler's maximum prices for certain listed foods.
1351.704	Customary allowances and discounts.
1351.705	When maximum prices may be established or changed under § 1351.703.
1351.706	Information which wholesalers must give their customers.
1351.707	Evasion.
1351.708	Enforcement.
1351.709	Records and reports of wholesalers.

Sec.	
1351.710	Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
1351.711	Petitions for amendment.
1351.712	Applicability.
1351.713	Export sales.
1351.714	Definitions.
1351.715	Revocation of superseded regulations.
1351.716	Effective date.

AUTHORITY: §§ 1351.701 to 1351.716, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.701 *Purposes of Maximum Price Regulation No. 255.* Maximum Price Regulation No. 255 is issued to establish maximum wholesale prices for certain food products at levels which will permit their distribution through the normal trade channels. In most cases wholesale price increases have been necessary because of upward price adjustments which various maximum price regulations have made at the processor level. In some cases the necessary wholesale adjustments have already been made in separate commodity regulations. By including such adjustments, this regulation covers in unified form all wholesale food adjustments in which wholesalers, by modifying their prices under the General Maximum Price Regulation, are permitted to take account of the individual price increases which have already been allowed to processors and of which the processors are required to give them written notice.

§ 1351.702 *Prohibition against selling and buying above maximum prices.* (a) On and after November 6, 1942, regardless of any contract or obligation, no wholesaler shall sell or deliver an item of any food product at a price higher than the maximum price established for it by this Maximum Price Regulation No. 255. No person shall buy or receive an item of any food product from a wholesaler in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.703 *Wholesaler's maximum prices for certain listed foods—(a) Maximum price rule.* For each item of the food products listed in paragraph (d), the wholesaler's maximum price to any class of purchasers shall be his "base price" plus his "permitted increase" (all per dozen or other customary wholesale selling unit).

(b) "Base price" means the wholesaler's maximum price as calculated under the General Maximum Price Regulation, except that for the purposes of this calculation the wholesaler shall substitute the base month named with the food product in paragraph (d) for the words "March 1942" wherever they appear in that regulation. With this qualification, the wholesaler shall use every

17 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6053, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 9758, 7913, 8431.

pricing method provided by the General Maximum Price Regulation which may be necessary to establish a base price for the item.

(c) "Permitted increase" means the amount which the wholesaler's supplier is required to report to him under the maximum price regulation applicable to the supplier. Where there is more than one supplier the wholesaler shall take as his permitted increase the amount reported to him by the supplier who by the time the wholesaler is establishing his maximum price has delivered to him the largest total amount of that item from the 1942 pack. Exceptions: (1) For Hawaiian canned pineapple and Hawaiian canned pineapple juice the wholesaler's permitted increase shall be the difference, f. o. b. canner's shipping point, between the canner's November 1941 list price for the item and the canner's maximum price under the General Maximum Price Regulation.

(d) This regulation shall apply to these products:

(1) Canned fruits, canned berries and canned juices, whether packed in tin, glass or any other hermetically sealed container, as follows, using February 1942 as the base month:

Fruits. Apricots, cherries, red sour pitted, cherries, sweet, figs, fruit cocktail, fruits for salad, peaches, clingstone (including clingstone nectarines), peaches, freestone (including freestone nectarines), pears, Hawaiian pineapples, plums, prunes, fresh.

Berries. Blackberries, blueberries, Boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, black, raspberries, red, strawberries, Youngberries.

Juices. Fruit juices and nectars, plain or mixed, made from any of the fruits listed in this subparagraph. Berry juices made from any of the berries listed in this subparagraph.

(2) Frozen fruits, berries and vegetables, using March 1942 as the base month, except that for sales to institutional purchasers October 1941 shall be taken as the base month.

(3) Fruit preserves, jams and jellies, using February 1942 as the base month.

(4) Apple butter, using February 1942 as the base month.

(5) Canned shrimp, using March 1942 as the base month.

(6) Domestic canned crabmeat, No. 1/2 flats, using March 1942 as the base month.

§ 1351.704 *Customary allowances and discounts.* No wholesaler shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.705 *When maximum prices may be established or changed under § 1351.703—(a) What must be done before a maximum price may be established.* No wholesaler may establish a maximum price for any item under § 1351.703 until he has received delivery of a customary amount of the item after this Maximum Price Regulation No. 255 has become applicable to it. To this extent the regulation shall be considered as

having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; October 30, 1942, for domestic canned crabmeat.

(b) *When a maximum price is established.* On and after November 6, 1942, a maximum price becomes "established" (that is, fixed) for any wholesaler as soon as he has either filed a price for the item or disclosed it to any prospective customer, whether by sale, delivery, offer or notice of any kind. A maximum price may be established only once and having been established it may not be changed except with the written permission of the appropriate field office of the Office of Price Administration in cases of clerical error or other formal mistake.

(c) *What price becomes established as the maximum price.* The price which is established in this way as the wholesaler's maximum price is the one which he filed or disclosed. In most cases the maximum price so established will be the price which the wholesaler computed under § 1351.703. However, in some instances the wholesaler may want to disclose a lower price than the one which he computed and at the same time save his right to sell at the higher figure. He can establish the higher price as his ceiling price at the time of disclosure only by recording and naming it as such, in ink on his books, before he discloses the lower price.

§ 1351.706 *Information which wholesalers must give their customers—(a) Wholesaler's notice to retailers.* The wholesaler's obligation to notify his retailers of "permitted increases" is limited to cases in which the packer has not done so. The packer is required in some cases to include with the carton or other package unit in which the wholesaler usually handles the product a "Notice of Retailer's Permitted Increase", either stamped on the outside or printed on a slip and enclosed. In the latter case the packer is further required to indicate on the outside that such a notice has been included. In this way the wholesaler is able to determine as to any item when his own duty to notify a particular retailer exists.

In the case of any item which is being sold by a wholesaler to any retailer for the first time after the wholesaler's maximum price for it has been established under this Maximum Price Regulation No. 255 and which is being sold in a form which does not include a manufacturer's or producer's Notice of Retailer's Permitted Increase, the wholesaler shall send the retailer (before or at the time of delivery) a written statement that (1) clearly identifies each such item included in the sale and (2) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the wholesaler shall calculate the retailer's permitted increase for each item by reducing his own permitted increase under § 1351.703, where necessary, to the units in which the commodity is usually sold at retail. When making

by this regulation even though they are not included in the sale. Although this regulation requires no special form for listing items and permitted increases, an example of an approved form which may be helpful to many wholesalers is set forth below. The particular example given happens to be one for fruit preserves, jams and jellies, but the item columns may readily be redrawn and renamed to fit any of the other products covered by this regulation.

NOTICE OF RETAILER'S PERMITTED INCREASE

To:

Address:

Your new OPA ceiling price for each item noted is your March ceiling price plus the permitted increase shown per retail container. OPA requires you to keep this information for examination.

Item			Permitted increase per retail container
Flavor	Kind	Container type	
Strawberry	Preserves	Regular jar	2¢
Grape	Jelly	Regular jar	1¢
Guava	Jelly, etc.	Re-use tumbler	2¢

Date:

Wholesaler:

Address:

By:

(b) Notice to wholesalers. In the case of any item which is being sold by a wholesaler to any other wholesaler to whom he customarily sells, for the first time after the seller's maximum price for it has been established under this Maximum Price Regulation No. 255, the seller shall send the buyer (before or at the time of delivery) a written statement that (1) clearly identifies each item included in the sale for which the seller has determined a maximum price under this regulation, and (2) states the permitted increase which the purchaser is entitled in each case to add when computing his maximum price under § 1351.703. This permitted increase shall be the same permitted increase which was reported to the seller by his supplier.

§ 1351.707 *Enactment.* The price limitations set forth in this Maximum Price Regulation No. 255 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.708 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 255, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1351.709 *Records and reports of wholesalers.*—(a) *Base period records.* For each food product covered by this Maximum Price Regulation No. 255, every wholesaler shall (1) keep for examination all his existing records relating to the prices which he charged in sales in which delivery was made during the base month named in § 1351.703 and also his offering prices for delivery during

that month, and (2) keep for examination by any person during ordinary business hours the notices of permitted increases given him by his suppliers and a statement prepared by him showing the information which the wholesaler must keep for examination under clause (1) plus all his customary allowances, discounts, and other price differentials. Any wholesaler who claims that he would be substantially injured by showing the statement or any notice to another person may file it with the appropriate field office of the Office of Price Administration. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) *Current records.* Every wholesaler selling any food product covered by this regulation shall keep for examination by the Office of Price Administration

tion records of the same kind as he has customarily kept relating to the prices which he charged for each such food product that he sells after this regulation becomes applicable to it.

(c) *Reports.* Within 30 days after making his first sale of any item subject to this regulation each wholesaler shall prepare a written statement showing for the item and each class of purchaser (1) his base price, (2) his permitted increase, and (3) his maximum price, all as determined under § 1351.703, and he shall file the statement with the nearest District Office or, in the absence of a District Office, the nearest State Office of the Office of Price Administration. The statement may also contain similar information for any other items covered by this regulation, even though they are not required to be filed at that time. It shall be in the following form:

STATEMENT OF WHOLESALER'S MAXIMUM PRICES UNDER MAXIMUM PRICE REGULATION NO. 255

Name of Wholesaler:

Address:

Kind	Style of pack, or flavor	Grade	Brand	Item		Base price	Permitted increase	Maximum price
				Container type	Size			

The wholesaler shall also include as part of the statement an attached list of all discounts, allowances, territorial differentials and any other price differentials customarily charged by him.

§ 1351.710 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* (a) The General Maximum Price Regulation and other Maximum Price Regulations superseded by this Maximum Price Regulation No. 255 shall continue to apply to all sales and deliveries of any item of a commodity covered by this regulation until the wholesaler has established a maximum price for it under §§ 1351.703 and 1351.705.

- (b) The following sections of the General Maximum Price Regulation, as well as amendments to them, shall be applicable to every person selling at wholesale any commodity listed in § 1351.703:
- (1) Special deals (§ 1499.4b).
 - (2) Transfers of business or stock in trade (§ 1499.5).
 - (3) Federal and state taxes (§ 1499.7).
 - (4) Base-period records (§ 1499.11).
 - (5) Sales slips and receipts (§ 1499.14).
 - (6) Registration (§ 1499.15).
 - (7) Licensing (§ 1499.16).
 - (8) Definitions (§ 1499.20).

§ 1351.711 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price

Regulation No. 255 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,² and amendments, issued by the Office of Price Administration.

§ 1351.712 *Applicability.* The provisions of this Maximum Price Regulation No. 255 shall be applicable only to the forty-eight states of the United States and the District of Columbia.

§ 1351.713 *Export sales.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 255 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation³ issued by the Office of Price Administration.

§ 1351.714 *Definitions.* (a) When used in this Maximum Price Regulation No. 255 the term:

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

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

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

(4) In the case of frozen fruits, berries and vegetables, "institutional purchaser" means any hotel, restaurant, club, hospital, sanitarium, asylum, charitable home, school, recreational camp, or other similar institution, and the armed forces of the United States, but not including service post exchanges.

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

§ 1351.715 *Revocation of superseded regulations.* To the extent shown, the following Maximum Price Regulations and provisions of Supplemental Regulation 14 to the General Maximum Price Regulation are hereby revoked and superseded: Maximum Price Regulation No. 197⁴ (except as it applies to canned Cuban pineapple and canned Cuban pineapple juice); Maximum Price Regulation No. 212;⁵ Maximum Price Regulation No. 247⁶ (except as it applies to canners of domestic canned crabmeat); § 1499.73 (a) (26) of Supplementary Regulation 14⁷ (except as it applies to canners of canned shrimp).

§ 1351.716 *Effective date.* This maximum Price Regulation No. 255 (§§ 1351.-

701 to 1351.716 inclusive) shall become effective November 6, 1942.

Issued this 31st day of October 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11123; Filed, October 31, 1942; 11:10 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 250]

PERMITTED INCREASES FOR RETAILERS OF CERTAIN FOODS

- Frozen fruits, berries and vegetables.
- Fruit preserves, jams and jellies.
- Apple butter.
- Canned shrimp.
- Domestic canned crabmeat.
- Canned fruits, berries and juices, as listed.

This Maximum Price Regulation No. 256 is issued by the Price Administrator in order to establish maximum retail prices for certain food products at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued 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, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 256 is hereby issued.

- Sec.
- 1351.851 Purposes of Maximum Price Regulation No. 256.
 - 1351.852 Prohibition against selling and buying above maximum prices.
 - 1351.853 Retailer's maximum prices for certain listed foods.
 - 1351.854 Customary allowances and discounts.
 - 1351.855 When maximum prices may be established or changed under § 1351.853.
 - 1351.856 Evasion.
 - 1351.857 Enforcement.
 - 1351.858 Reports of retailers.
 - 1351.859 Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
 - 1351.860 Petitions for amendment.
 - 1351.861 Applicability.
 - 1351.862 Export sales.
 - 1351.863 Definitions.
 - 1351.864 Revocation of superseded Regulations.
 - 1351.865 Effective date.

AUTHORITY: §§ 1351.851 to 1351.865, inclusive, issued under Pub. Laws 421 and 723, 77th Cong.; E.O. 9250, 7 F.R. 7671.

§ 1351.851 *Purposes of Maximum Price Regulation No. 256.* Maximum Price Regulation No. 256 is issued to establish maximum retail prices for certain food products at levels which will permit their distribution through the normal trade channels. In most cases retail price increases have been necessary because of upward price adjustments which various maximum price regulations have made at the processing and

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

wholesale levels. In some cases the necessary retail adjustments have already been made in separate commodity regulations. By including such adjustments, this regulation covers in unified form all retail food adjustments in which retailers, by modifying their prices under the General Maximum Price Regulation,⁸ are permitted to take account of the individual price increases which have already been allowed to processors and wholesalers and of which the processors or wholesalers are required to give them written notice.

§ 1351.852 *Prohibition against selling and buying above maximum prices.* (a) On and after November 6, 1942, regardless of any contract or obligation, no retailer shall sell or deliver an item of any food product at a price higher than the maximum price established for it by this Maximum Price Regulation No. 256. No person shall buy or receive an item of any food product from a retailer in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.853 *Retailer's maximum prices for certain listed foods—(a) Maximum price rule.* For each item of the food products listed in paragraph (b) the retailer's maximum price to any class of purchasers shall be (1) his maximum price under the General Maximum Price Regulation, plus (2) the amount reported by his supplier or by the manufacturer or producer as his "permitted increase" (all per retail container).

(b) This method of calculating the retailer's maximum prices shall apply to these products:

(1) Canned fruits, berries and juices, whether packed in tin, glass or any other hermetically sealed container, as follows:

Fruits. Apricots, cherries, red sour pitted, cherries, sweet, figs, fruit cocktail, fruits for salad, peaches, clingstone (including clingstone nectarines), peaches, freestone (including freestone nectarine), pears, Hawaiian pineapples, plums, prunes, fresh.

Berries. Blackberries, blueberries, Boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, black, raspberries, red, strawberries, Youngberries.

Juices. Fruit juices and nectars, plain or mixed, made from any of the fruits listed in this subparagraph. Berry juices made from any of the berries listed in this subparagraph.

(2) Frozen fruits, berries and vegetables.

(3) Fruit preserves, jams and jellies.
(4) Apple butter.
(5) Canned shrimp.

¹ 7 F.R. 3153, 3330, 3563, 3930, 3931, 4339, 4487, 4659, 4733, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6053, 6031, 6216, 6315, 6794, 6939, 7033, 7322, 7454, 7913, 8431, 9753.

² 7 F.R. 971, 3663, 6967, 8520.
³ 7 F.R. 5059, 7242.
⁴ 7 F.R. 5989, 7403, 7738.
⁵ 7 F.R. 6831, 7173.
⁶ 7 F.R. 8653.

⁷ 7 F.R. 5426, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524.

(6) Domestic canned crabmeat, No. ½ flats.

(c) If the retailer has more than one supplier of the item, he shall add only the permitted increase reported by the supplier who by the time the retailer is establishing his maximum price has delivered to him the largest amount of that item from the 1942 pack.

§ 1351.854 *Customary allowances and discounts.* No retailer shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.855 *When maximum prices may be established or changed under § 1351.853—(a) What must be done before a maximum price may be established.* No retailer may establish a maximum price for any item under § 1351.853 until he has received delivery of a customary amount of the item after this Maximum Price Regulation No. 256 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; October 30, 1942, for domestic canned crabmeat.

(b) *When a maximum price is established.* On and after November 6, 1942, a maximum price becomes "established" (that is, fixed) for any retailer as soon as he has either filed a price for the item or disclosed it to any prospective customer, whether by sale, delivery, offer or notice of any kind. A maximum price may be established only once and having been established it may not be changed except with the written permission of the appropriate field office of the Office of Price Administration in cases of clerical error or other formal mistake.

(c) *What price becomes established as the maximum price.* The price which is established in this way as the retailer's maximum price is the one which he filed or disclosed. In most cases the maximum price so established will be the price which the retailer computed under § 1351.853. However, in some instances the retailer may want to disclose a lower price than the one which he computed and at the same time save his right to sell at the higher figure. He can establish the higher price as his ceiling price at the time of disclosure only by recording and naming it as such, in ink on his books, before he discloses the lower price.

§ 1351.856 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 256 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.857 *Enforcement.* Any person violating a provision of this Maximum

Price Regulation No. 256, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1351.858 *Reports of retailers.* After making his first sale of any cost-of-living item subject to this regulation each retailer shall prepare a written statement showing for the item and each class of purchaser (a) his maximum price under

the General Maximum Price Regulation, (b) his permitted increase, and (c) his maximum price under this regulation; and he shall file the statement with the appropriate War Price and Rationing Board by the 10th day of the following month. The statement may also contain similar information for any other cost-of-living items covered by this regulation even though they are not required to be filed at that time. It shall be in the following form:

STATEMENT OF RETAILER'S MAXIMUM PRICES UNDER MAXIMUM PRICE REGULATION NO. 256 (Cost-of-Living Commodities)								
Name of Retailer:								
Address:								
Item						G. M. P. R. price	Permitted increase	New maxi- mum price
Kind	Style of pack, or flavor	Grade	Brand	Container type	Size			

The retailer shall include as part of the statement an attached list of all discounts, allowances, territorial differentials and any other price differentials customarily charged by him. The retailer shall keep a true copy of each statement for examination by any person during ordinary business hours.

§ 1351.859 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* (a) The General Maximum Price Regulation and other Maximum Price Regulations superseded by this Maximum Price Regulation No. 256 shall continue to apply to all sales and deliveries of any item of a commodity covered by this regulation until the retailer has established a maximum price for it under §§ 1351.853 and 1351.855.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, shall be applicable to every person selling at retail any commodity listed in § 1351.853:

- (1) Retailers operating more than one retail establishment (§ 1499.4a).
- (2) Special deals (§ 1499.4b).
- (3) Transfers of business or stock in trade (§ 1499.5).
- (4) Federal and state taxes (§ 1499.7).
- (5) Base-period records (§ 1499.11).
- (6) Current records (§ 1499.12).
- (7) Cost-of-living commodities: statement, marking or posting; (§ 1499.13); and Appendix B.
- (8) Sales slips and receipts (§ 1499.14).
- (9) Registration (§ 1499.15).
- (10) Licensing (§ 1499.16).
- (11) Adjustment of maximum prices (§ 1499.18 (a)).
- (12) Definitions (§ 1499.20).

§ 1351.860 *Petitions for amendment.* Any person seeking a modification of this Maximum Price Regulation No. 256

may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,² and amendments, issued by the Office of Price Administration.

§ 1351.861 *Applicability.* The provisions of this Maximum Price Regulation No. 256 shall be applicable only to the forty-eight states of the United States and the District of Columbia.

§ 1351.862 *Export sales.* The maximum prices at which a person may export any commodity covered by this Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation³ issued by the Office of Price Administration.

§ 1351.863 *Definitions.* (a) When used in this Maximum Price Regulation No. 256 the term:

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

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

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

§ 1351.864 *Revocation of superseded regulations.* To the extent shown, the following Maximum Price Regulations and provisions of Supplementary Regulation 14 to the General Maximum Price Regulation are hereby revoked and su-

² 7 F.R. 971, 3663, 6967, 8520.

³ 7 F.R. 5059, 7242.

perseded: Maximum Price Regulation No. 197⁴ (except as it applies to canned Cuban pineapple and canned Cuban pineapple juice); Maximum Price Regulation No. 212;⁵ Maximum Price Regulation No. 247⁶ (except as it applies to canners of domestic canned crabmeat); § 1499.73 (a) (26) of Supplementary Regulation 14⁷ (except as it applies to canners of canned shrimp).

§ 1351.865 *Effective date.* This Maximum Price Regulation No. 256 (§§ 1351.851 to 1351.865 inclusive) shall become effective November 6, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11130; Filed, October 31, 1942;
11:10 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR
VEHICLE EQUIPMENT

[Rationing Order 2A, Amendment 18]

NEW PASSENGER AUTOMOBILE RATIONING
REGULATIONS

The date, October 31, 1942, as set forth in paragraph (b) of § 1360.331 of Rationing Order No. 2A is hereby amended to read December 31, 1942.

Effective Dates

§ 1360.442 *Effective dates of amendment.*

(r) Amendment No. 18 (§ 1360.331 (b)) to Rationing Order No. 2A shall become effective October 31, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 678, 1493)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11125; Filed, October 31, 1942;
11:07 a. m.]

PART 1379—SMALL ARMS AND PARTS
[MPR 254]

NEW SMALL FIREARMS AND FIREARM PARTS

By Limitation Order No. L-60 the War Production Board prohibited sales of new small firearms, shotguns, rifles and firearm parts to the general public during the month of March 1942. As a consequence the General Maximum Price Regulation, under which maximum prices are ascertained primarily by reference to prices charged during that month, does not provide an adequate method for establishing the maximum prices of new

small firearms. In the judgment of the Price Administrator it is necessary, in order to effectuate the purposes of the Emergency Price Control Act of 1942, to establish for sales of new small firearms, the maximum prices provided by this Maximum Price Regulation No. 254.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are generally fair and equitable. So far as practicable, the Price Administrator has given due consideration to prices prevailing between October 1 and October 15, 1941, and to relevant factors of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the industry which will be affected by this Maximum Price Regulation No. 254.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 254 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, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 254 is hereby issued:

AUTHORITY: §§ 1379.1 to 1379.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671.

NOTE: Unless the context otherwise requires, the definitions set forth in § 1429.20 of the General Maximum Price Regulation² shall apply to the terms used herein. The terms so defined are italicized the first time they appear in the text.

§ 1379.1 *Prohibition against dealing in firearms or firearm parts above the maximum prices on and after November 6, 1942; regardless of any contract or other obligation.* (a) No person shall sell or deliver any firearm or firearm part at a price higher than the maximum price permitted by this Maximum Price Regulation No. 254; and

(b) No person in the course of trade or business shall buy or receive any firearm or firearm part at a price higher than the maximum price permitted by this Maximum Price Regulation No. 254.

§ 1379.2 *Maximum prices for firearms and parts in the manufacturer's price list in effect January 10, 1942.* The maximum price for a firearm or a firearm part which was in the manufacturer's price list in effect January 10, 1942, shall be:

(a) For sales by manufacturers, the price set forth in the manufacturer's price list, in effect January 10, 1942, as the price for a sale by the manufacturer to a purchaser of the same class;

(b) For sales by distributors, the price set forth in the manufacturer's price list, in effect January 10, 1942, as the price

suggested for sales by distributors to a purchaser of the same class;

(c) For sales by retailers, the price set forth in the manufacturer's price list, in effect January 10, 1942, as the price suggested for sales by retailers.

Notification to retailers. Every person delivering to a purchaser for sale at retail a firearm or part for which a maximum price is established by § 1379.2 (c) of this Maximum Price Regulation No. 254, shall, at or prior to the first invoice to such purchaser after November 16, 1942, furnish such purchaser with a copy of the price list in effect on January 10, 1942, which contains the suggested price for sales at retail. Such list shall be accompanied by the following statement:

The suggested retail prices in the enclosed price list are your maximum selling prices under Maximum Price Regulation No. 254. You may not charge more than these prices for any firearm or part listed.

§ 1379.3 *Maximum prices for firearms and parts which cannot be priced under § 1379.2, other than new firearms and parts covered by § 1379.4.* The seller's maximum price for any firearm or firearm part which cannot be priced under § 1379.2, other than a new firearm or part covered by § 1379.4, shall be:

(a) If the seller dealt in the same firearm or firearm part during the 30-day period which ended January 10, 1942, the highest price charged by the seller during such period for the same firearm or part.

(b) If the seller did not deal in the same firearm or part in the 30-day period which ended January 10, 1942, the highest price charged during such period for the same firearm or part by the most closely competitive seller of the same class.

For the purposes of this Maximum Price Regulation No. 254, the highest price charged by a seller during the 30-day period which ended January 10, 1942, shall be:

(1) The highest price which the seller charged for a firearm or part delivered by him during the 30-day period which ended January 10, 1942, to a purchaser of the same class; or

(2) If the seller made no such delivery during the 30-day period which ended January 10, 1942, his highest offering price for delivery during that period to a purchaser of the same class; or

(3) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during the 30-day period which ended January 10, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

Provided, however, That if, prior to January 11, 1942, the seller raised his prices for the delivery of a firearm or part to his classes of purchasers generally, and if, during the 30-day period which ended January 10, 1942, he delivered such a firearm or part at the higher price to at least one class of purchasers, the highest price charged during the 30-day period which ended January 10, 1942, for each class of purchasers:

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

¹ 7 F.R. 971, 3663, 6367.

² 7 F.R. 3183, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5783, 6055, 6031, 6007, 6210, 6516, 6794, 6939, 7093, 7322, 7454, 7768, 7913, 8431.

¹ 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8809.

⁴ 7 F.R. 5989, 7403, 7738.

⁵ 7 F.R. 6831, 7173.

⁶ 7 F.R. 8653.

⁷ 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6392, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524.

(i) To which no delivery was made during the 30-day period which ended January 10, 1942, at the higher price, and

(ii) To which no delivery was made during the 30-day period which ended January 10, 1942, at a lower price after the price rise, unless made pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for delivery to such class of purchasers during the 30-day period which ended January 10, 1942.

(c) If the seller cannot determine the maximum price under paragraphs (a) or (b) of this section, he shall calculate a maximum price as follows:

The seller shall select the most nearly comparable item currently offered for sale by him for which a maximum price is established by this Maximum Price Regulation No. 254, he shall divide his maximum price for that item by his replacement cost of that item, and shall multiply the percentage so obtained by the net cost to him of the item being priced. The resulting figure shall be the maximum price of the article being priced.

(1) "Replacement cost" shall be the net price paid by the seller after November 5, 1942, or, if the seller has not bought the same firearm or part after that date, the net price which the seller would have to pay to replace the firearm or part after that date.

(2) "Net cost" or "net price" shall be the price paid after deducting all discounts allowed, and adding transportation and delivery charges actually paid.

§ 1379.4 *Maximum prices for new firearms or parts first offered for sale by the manufacturer after January 10, 1942.* The maximum price for any firearm or firearm part first offered for sale by the manufacturer after January 10, 1942, shall be determined by the following procedure:

A manufacturer wishing to sell a firearm or part not manufactured or offered for sale by him prior to January 10, 1942, shall make application to the Office of Price Administration, Washington, D. C., for specific authorization of a maximum price. The application shall give a full description of the firearm or firearm part and a detailed explanation of the computation of its cost. It shall also give the same information for the most comparable firearm or firearm part manufactured by him for which a maximum price has already been determined under the provisions of this Maximum Price Regulation No. 254. The manufacturer shall also propose a maximum price for sales by him to each class of purchaser and shall suggest maximum prices for sales by distributors and retailers, in accordance with the customary differentials used by him prior to January 10, 1942, in suggesting resale prices. On the basis of this application, the Office of Price Administration may authorize, by order, maximum prices for sales of the firearm or part by the manufacturer, and maximum prices for the resale of such firearm or firearm

part. Each seller of such a firearm or part to a person purchasing for purposes of resale shall, by a communication in writing at the time of or prior to his first invoice to each such purchaser, inform each such purchaser of the provisions of the authorization which establish maximum prices for resale of the firearm or part.

§ 1379.5 *Price differentials and credit charges.* Every seller shall continue all of his customary allowances, discounts, and other price differentials. The maximum prices established by this Maximum Price Regulation No. 254 shall not be increased by any charge for the extension of credit other than retailers' customary carrying charges for credit to the extent that they were stated and charged separately in the past.

§ 1379.6 *Relation between Maximum Price Regulation No. 254 and the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 254 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 254, except as provided in paragraph (b) of this § 1379.6. However, the seller must comply with the provisions of the following paragraphs, which are identical, except for appropriate changes in dates and terminology, with the sections of the General Maximum Price Regulation indicated in parentheses. Any amendments to such sections of the General Maximum Price Regulation are automatically applicable to this Maximum Price Regulation No. 254.

(1) *Transfers of business or stock in trade* (§ 1499.5). If the business assets or stock in trade of any business are sold or otherwise transferred after November 6, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 254.

(2) *Sales for export* (§ 1499.6). The maximum price at which a person may export any firearm or part shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.³

(3) *Federal and state taxes* (§ 1499.7). Any tax upon, or incident to, the sale, delivery, or processing of any firearm or firearm part, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the

seller's maximum price for such firearm or firearm part and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the 30-day period which ended January 10, 1942.*

(1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the 30-day period which ended January 10, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 254. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 254.

(b) *As to a tax or increase in a tax which becomes effective after January 10, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

(4) *Sales slips and receipts* (§ 1499.14). Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the article sold, and the price received for it.

(5) *Petitions for amendment* (§ 1499.19). Any person seeking a modification of any provision of this Maximum Price Regulation No. 254 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling at wholesale or retail any firearm or part covered by this Maximum Price Regulation No. 254.

³ 7 F.R. 5059, 7242.

§ 1379.7 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 254 may be charged, demanded, paid, or offered.

§ 1379.8 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 254 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 firearms or parts, alone or in conjunction with any other commodity, 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.

§ 1379.9 *Base-period records.* Every person selling firearms or firearm parts for which, upon sale by that person, maximum prices are established by this Maximum Price Regulation No. 254 shall:

(a) Preserve for examination by any person the manufacturers' price lists and catalogues of firearms and firearm parts, which were in effect on January 10, 1942, and which establish his maximum selling prices for such firearms and parts.

(b) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged during the 30-day period which ended January 10, 1942, for firearms and firearm parts the maximum prices for which are not established by reference to the manufacturers' price lists or catalogues in effect on January 10, 1942.

(c) Prepare, on or before December 5, 1942, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) his maximum prices for all firearms and parts being dealt in by him on November 6, 1942, except firearms and parts, the maximum prices for which are established by reference to the manufacturers' price lists in effect on January 10, 1942, and (2) the method by which such maximum prices were computed. Prior to first offering for sale any other firearms or parts, he shall add to such statement the same information with regard to such firearms or parts. Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. 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 Maximum Price Regulation No. 254.

§ 1379.10 *Current records.* Every person subject to this Maximum Price Regulation No. 254 shall keep and make available for examination by the Office of Price Administration records of all sales of firearms or parts made by him on and after November 6, 1942. Such records shall show the name and address of the buyer, the make, model, and identification number of the firearm or part and the price paid and received for it.

§ 1379.11 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 254 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. 254 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1379.12 *Sales to United States and allied governments.* excepted. This Maximum Price Regulation No. 254 shall not apply:

(a) To sales or deliveries of firearms or parts to the United States or any agency thereof or to the government of any country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or any agency of any such government.

(b) To sales or deliveries of component parts and subassemblies of firearms exempted by paragraph (a) of this section, regardless of the person to whom sold or delivered. The term "component parts and subassemblies" includes all metallic and non-metallic component parts, adjuncts, and accessories, which have been machined or fabricated. The term does not include raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than firearms exempted under paragraph (a) of this section.

(c) To sales or deliveries of any firearm or part pursuant to a subcontract for the supply of such firearm or part for use as a component part, adjunct or accessory of a product exempted from the General Maximum Price Regulation by subparagraph (1) or (2) of § 1499.29 (a) of Revised Supplementary Regulation No. 4.*

§ 1379.13 *Definitions.* (a) When used in this Maximum Price Regulation No. 254, the term:

(1) "Firearm" means any new weapon of the type generally classed as small arms, including, for example, pistols, shotguns, and rifles.

(2) "Manufacturer" means a person who operates a business which fabricates or assembles a firearm or firearm part.

(3) "Distributor" means a person making sales of firearms or firearm parts at wholesale.

(4) "Retailer" means a person making sales of firearms or firearm parts at retail.

(b) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price

*7 F.R. 5056, 5089, 5506, 6032, 6034, 6426, 6744, 6793, 7175, 7538, 8021.

Regulation and the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1379.14 *Effective date.* This Maximum Price Regulation No. 254 (§§ 1379.1 to 1379.14, inclusive) shall become effective November 6, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11133; Filed, October 31, 1942;
11:11 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,* as Amended, Amendment 35]

MACHINES AND PARTS AND MACHINERY SERVICES

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

New paragraph (f) is added to § 1390.2 as set forth below:

§ 1390.2 *Exclusions.* * * *

(f) Any sale or delivery, until January 1, 1943, of a fixed capacitor designed and sold exclusively for use in military radio or radar apparatus.

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

(E) Amendment No. 36 (§ 1390.2 (1)) to Maximum Price Regulation No. 136, as amended, shall be effective as of September 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 787L.)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11126; Filed, October 31, 1942;
11:08 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,* Amendment 2]

FUEL OIL RATIONING REGULATIONS

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

In paragraph (b) of § 1394.5604 the reference to "fifteen (15) days" is amended to read "thirty (30) days"; paragraph (a) of § 1394.5052, paragraph (f) of § 1394.5303, paragraph (a) of § 1394.5454, paragraphs (b) and (c) of § 1394.5663 are amended; new § 1394.5503 is added; a new paragraph (f) is added to § 1394.5653; a new paragraph (b) is added to § 1394.5402; and a new

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

*7 F.R. 5047, 5362, 5665, 5903, 6425, 6832, 6839, 6964, 6965, 6937, 6973, 7010, 7246, 7220, 7365, 7509, 7692, 7739, 7744, 7907, 7912, 7944, 7945, 8103, 8362, 8433, 8479, 8520, 8852, 8707.
*7 F.R. 6489, 8703.

subtitle and a new § 1394.5403 under it are added, as set forth below:

Scope of Ration Order No. 11

§ 1394.5052 *Scope of restrictions.*

(a) By or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission, of the United States, or the British Ministry of War Transport, or any official war transport or war shipping agency of any United Nation acquiring fuel oil for any official purpose;

Auxiliary Rations

§ 1394.5303 *Auxiliary rations for heating premises.*

(f) For the examination or treatment of the sick or of patients in premises (other than those specified in paragraph (c) of this section) primarily used by a duly licensed physician, surgeon, dentist, osteopath or chiropractor: *Provided*, That the applicant must submit with his application a certification by such physician, surgeon, dentist, osteopath or chiropractor as to the temperature required for such purpose: *Provided further*, That in the case of a building other than a private dwelling, an auxiliary ration for the purposes specified in this paragraph may be obtained only for use in a space heater, unless such building is used primarily for such purpose.

Railroad Cars

§ 1394.5403 *Heat rations for railroad cars.* Notwithstanding any other provision of Ration Order No. 11:

(a) The owner, or the person controlling the use, of oil burning equipment used for heating railroad cars may obtain a ration for such purpose. Such rations may be obtained for three (3) month periods.

(b) Application for such ration shall be made to a Board on or after October 22, 1942, on Form OPA R-1102, by the owner of the equipment, or by the person controlling the use of such equipment, or by the agent of either of them. The applicant shall supply the information required by that form. A single application may be made for all the units of oil burning equipment for which a ration is required.

(c) The allowable ration shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942.

(d) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the purpose for which the ration is required. Such amount shall be determined in accordance with the provisions of § 1394.5451.

(e) No ration issued pursuant to this section shall be used to heat railroad

cars for human occupancy to a temperature in excess of 65 degrees F. except to the extent that:

(1) It is necessary to heat certain cars in a train in excess of 65 degrees F. in order to maintain a minimum temperature of 60 degrees F. in other cars in the train; or

(2) It is impossible, for mechanical reasons, to maintain the temperature below 65 degrees F.

General Provisions with Respect to Issuance of Rations

§ 1394.5454 *Acknowledgments of delivery.* (a) Acknowledgments of delivery, on Form OPA R-544 (Revised), to be used for the acquisition of fuel oil by or for the account of the Army, Navy, Marine Corps, War Shipping Administration, Coast Guard, and Maritime Commission, of the United States, or by the British Ministry of War Transport, or any official war transport or war shipping agency of any United Nation acquiring fuel oil for any official purpose, will be issued by the Washington Office to the Washington headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any of such agencies shall be valid as an authorization of transfer of fuel oil to or for the account of such agency by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an acknowledgment form is not available, a receipt on an official letterhead of such agency, bearing such authorized signature, and supplying the information required by Form OPA R-544 (Revised) may be used in lieu of such acknowledgment form. Such form or receipt may be used as an evidence for purposes of replenishment.

Expiration and Revocation of Rations

§ 1394.5509 *Application for, determination and issuance of, heat and hot water rations for use outside the limitation area.* Notwithstanding any other provisions of Ration Order No. 11:

(a) Application for a heat or a heat and hot water ration for use outside the limitation area shall be made to the nearest Board in the thermal sub-zone nearest the premises for which the ration is to be used.

(b) The Board shall, in such case, determine the allowable ration and issue coupons in the same manner as if such premises were located in the thermal sub-zone in which the application is made.

Restrictions on Transfers to and by Consumers

§ 1394.5653 *Transfers to consumers in exchange for coupons.*

(f) Notwithstanding any other provisions of Ration Order No. 11, a dealer or supplier may, during the period from November 1, 1942 to November 23, 1942, inclusive, transfer fuel oil to a consumer who has not received a ration, without

requiring the surrender of coupons or other evidences, or delivery receipts, subject to the following conditions:

(1) No consumer may accept such transfer unless he has applied for and has reasonable cause to believe that he is entitled to receive a ration, for the purpose for which the transfer is made, which will, when issued, enable him to surrender to the transferor coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred.

(2) At the time of transfer, the consumer shall deliver to the transferor a written receipt acknowledging such transfer and stating the number of gallons of fuel oil transferred; the transferor shall make, and preserve for at least one year a written record of the name and address of the transferee, the amount, and, in the case of residual oil, the grade of fuel oil transferred. Upon receipt of coupons from the transferee pursuant to the requirements of subparagraph (3) of this paragraph, the transferor shall enter on such record the number and serial numbers of coupons (or delivery receipts) detached.

(3) Such consumer shall, immediately after the issuance of a ration to him, surrender to the transferor, coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred. At the time of such surrender the transferor shall make the entries required by § 1394.5653 or § 1394.5655, as the case may be.

(4) Any dealer or supplier who has made a transfer pursuant to this paragraph, shall, on or before November 30, 1942, report to the nearest State Office of the Office of Price Administration, the name and address of any consumer who has accepted such transfer and who has failed to surrender coupons or other evidences, or delivery receipts, as required by subparagraph (3) of this paragraph.

§ 1394.5663 *Transfers of fuel oil from the limitation area to persons outside the limitation area.*

(b) A dealer or supplier may transfer fuel oil from within the limitation area to a consumer without the limitation area, in exchange for coupons or other evidences, or delivery receipts, valid in any thermal zone.

(c) A primary supplier may, upon written authorization of the Office of the Petroleum Coordinator for War, transfer fuel oil from within the limitation area to a dealer or supplier without the limitation area. No coupons or other evidences shall be exchanged with respect to such transfer.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.*

(b) Amendment No. 2 (§§ 1394.5052 (a), 1394.5303 (f), 1394.5403, 1394.5454 (a), 1394.5509, 1394.5604 (b), 1394.5653 (f), 1394.5663 (b) and (c)) to Ration Order No. 11 shall become effective on October 31, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.;

W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719).

Issued this 31st day of October 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11140; Filed, October 31, 1942; 11:09 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Supp. Reg. 14, Amendment 47]

UNPRINTED SINGLE WEIGHT CREPE PAPER IN FOLDS

Amendment No. 47 to Supplementary Regulation No. 14 to General Maximum Price Regulation.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (36) is added to paragraph (a), § 1499.73 as set forth below:

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

(36) *Unprinted single weight crepe paper in folds.* (i) From November 6, 1942 to and including January 17, 1943, maximum retail prices of the following types of unprinted single weight crepe paper in folds, shall be as follows:

Dimensions	Ratio	Maximum retail price
(a) 9" x 20"	2 1/2 to 1	\$.10
(b) 9" x 20"	2 1/4 to 1	.10
(c) 9" x 20"	2 to 1	.10

(ii) On and after January 18, 1943, the maximum price for the types of crepe paper referred to above shall be a price as otherwise established by the General Maximum Price Regulation without regard to this Amendment No. 47 to Supplementary Regulation No. 14.

(b) *Effective dates.* * * * (48) Amendment No. 47 (§ 1499.73 (a) (36)) to Supplementary Regulation No. 14 shall become effective November 6, 1942.

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

Issued this 31st day of October 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11131; Filed, October 31, 1942; 11:11 a. m.]

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

PART 1499—COMMODITIES AND SERVICES
[Supp. Reg. 14, Amendment 48]

SEMI-FABRICATED ARTICLES OF NEWLY-MINED DOMESTIC SILVER

Amendment No. 48 to Supplementary Regulation No. 14 to the General Maximum Price Regulation.

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

Section 1499.73 (a) (12) (v) (e) is amended by inserting the words "(as modified by § 1499.73 (a) (15) (ii) of Supplementary Regulation No. 14)" between the phrase "of the General Maximum Price Regulation" and the phrase "for the same articles containing silver other than newly-mined domestic silver;" and §§ 1499.73 (a) (12) (ii) (d) and 1499.73 (a) (12) (v) (c) are amended as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the Gen-*

* 7 F.R. 5488, 5709, 6003, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6776, 6783, 6857, 6892, 6939, 7011, 7012, 6985, 7250, 7239, 7203, 7363, 7401, 7400, 7453, 7510, 7530, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8359, 8524, 8652.

* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5182, 5365, 5445, 5555, 5474, 5775, 5784, 5783, 6033, 6031, 6007, 6216, 6015, 6794, 6939, 7033, 7322, 7454, 7763, 7913, 8431.

eral Maximum Price Regulation for certain commodities, services and transactions. (a) * * *

- (12) * * *
- (ii) * * *

(d) A semifabricated article shall be deemed to contain newly-mined domestic silver if this fact is certified to the buyer by the seller and if the aggregate fine silver content of all semifabricated articles delivered by the seller at prices higher than the maximum prices established by § 1499.2 of the General Maximum Price Regulation, as modified by § 1499.73 (a) (15) (ii) of Supplementary Regulation No. 14, for the same articles containing silver other than newly-mined domestic silver at no time exceeds the aggregate quantity of fine newly-mined domestic silver (including the fine silver content of semifabricated articles) purchased by the seller, reported to the Office of Price Administration in accordance with the provisions of this § 1499.73 (a) (12), and not otherwise disposed of.

- (v) * * *

(c) *Form OPA: SR14:3.* Certificate of Person from whom Newly-Mined Domestic Silver was Purchased.

I (We) hereby certify that during the month of _____ 19____ I (we) made the following sales of newly-mined domestic silver to:

Name of purchaser _____
Address of purchaser _____

Description, including gross quantity	Quantity in fine troy ounces	Date of sale	Price charged
Total quantity in fine troy ounces			

I (We) further certify that all of the silver so sold is covered by miners' affidavits on Treasury Department Forms TSA-2 and/or TSA-2A, executed pursuant to § 80.7 of the Newly-Mined Domestic Silver Regulations of July 6, 1939, which on _____ 1942, were forwarded directly by me (us) to the Director of the Mint, Treasury Department, Washington, D. C., for verification and cancellation; and I (we) hereby authorize and direct the Director of the Mint to cancel such affidavits.

This statement is furnished to the purchaser of the silver herein described at his request, and pursuant to § 1499.73 (a) (12) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, for the purpose of enabling the said purchaser to take advantage of the provisions therein as to maximum prices for semifabricated articles containing newly mined domestic silver.

(Signed) _____

Address _____
By _____
Authorized signature

Subscribed and sworn to before me this _____ day of _____, 19____
[Notarial Seal] _____

Signature of officer administering oath _____
My commission expires _____, 19____

(b) *Effective dates.* * * *

(49) Amendment No. 48 to Supplementary Regulation No. 14 (§§ 1499.73 (a) (12) (ii) (d), 1499.73 (a) (12) (v) (c) and 1499.73 (a) (12) (v) (e)) shall become effective October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11132; Filed, October 31, 1942; 11:11 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 110 Under § 1499.18 (c) of GMPR]

BROOKLYN COOPERAGE COMPANY

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

§ 1499.1110 *Adjustment of maximum prices for syrup and molasses gumwood barrels produced and sold by the Brooklyn Cooperage Company.* (a) The Brooklyn Cooperage Company, 120 Wall Street,

New York, New York, may sell and deliver, and any person may buy and receive delivery from the Brooklyn Cooperage Company, the following specified syrup and molasses gumwood barrels on an open billing basis pending consideration by the Office of Price Administration of the petition filed by the company on October 3, 1942, for adjustment of the maximum prices established by the General Maximum Price Regulation for sale of such barrels by the company:

(1) 55/57 gallon gumwood barrel, 6 hoops, unlined, manufactured for syrup, molasses and other products.

(2) 57/59 gallon gumwood barrel, 6 hoops, silicate lined, manufactured for syrup, molasses and other products.

(3) 54 gallon gumwood barrel, 6 hoops, silicate lined vent plug in head, manufactured for syrup, molasses and other products.

(b) The ultimate price paid and received for barrels sold and delivered on an open billing basis under the provisions of this order must be in accordance with the disposition made by the Office of Price Administration of the petition for adjustment filed on October 3, 1942 by the Brooklyn Cooperage Company with the Office of Price Administration. Final payment for barrels so sold and delivered may not be made or accepted until the Office of Price Administration has made such disposition; however, prior to such disposition, partial payment may be made and received if such payment does not exceed the maximum price established by the General Maximum Price Regulation.

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

(d) This Order No. 110 (§ 1499.1110) 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. 110 (§ 1499.1110) shall become effective November 2, 1942, and shall terminate on the date that the Office of Price Administration makes a final disposition of the petition for adjustment of maximum prices filed with the Office of Price Administration by the Brooklyn Cooperage Company on October 3, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11119; Filed, October 31, 1942; 11:07 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 113 Under § 1499.18 (c) of GMPR]

BERKELEY YEAST LABORATORY

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

§ 1499.1113 *Adjustment of maximum prices for Berkeley Yeast Laboratory.*

(a) Berkeley Yeast Laboratory of Berkeley, California may sell and deliver, and any purchaser may buy and receive

sulphur wicks at a price not in excess of that hereinafter set forth:

Sulphur wicks at \$13.33 per one hundred pounds,

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

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

(d) This Order No. 113 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 113 (§ 1499.1113) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 113 (§ 1499.1113) shall become effective October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11136; Filed, October 31, 1942; 11:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 114 Under § 1499.3 (b) of GMPR]

JOHN MIDDLETON, INC.

John Middleton, Inc. has made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of maximum prices for a "John Middleton Pipe and Tobacco Chest". Due consideration has been given to the application and an opinion in support of this order 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 accordance with § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered, That:*

§ 1499.978 *Authorization of a maximum price for a certain Pipe and Tobacco Chest of smoking tobacco for John Middleton, Inc.* (a) On and after November 2, 1942 John Middleton, Inc. may sell and deliver to any person and any purchaser may buy and receive from John Middleton, Inc., a "John Middleton Pipe and Tobacco Chest" of smoking tobacco (consisting of one ounce of Regimental Mixture and 1½ ounces of either Club Mixture or Old Mariner tobacco, and a good quality domestic briar pipe of light walnut finish and six pipe cleaners, all packed in a hinged brown leatherette box 8 inches by 4 inches by 2½ inches, hereinafter spoken of as "Pipe and Tobacco Chest") at a price no higher than \$13.50 per dozen "Pipe and Tobacco Chests", less 10 per cent trade discount and 2 per cent cash discount for payment within 10 days after date of delivery.

(b) Any wholesaler or jobber may sell and deliver to any person and any person

may buy and receive from such wholesaler or jobber the pipe and tobacco chest at a price no higher than \$13.50 per dozen pipe and tobacco chests less the customary discount or discounts given by such wholesaler or jobber on other tobaccos to a purchaser in the same class.

(c) Any retailer may sell and deliver and any person may buy and receive the pipe and tobacco chest at a price no higher than \$1.50 per chest.

(d) John Middleton, Inc. shall notify in writing all jobbers and wholesalers who purchased such pipe and tobacco chest of the maximum prices established in paragraphs (a), (b) and (c) of this order for sales at wholesale and retail on or before the first delivery of such product after the effective date hereof and of the notification provision in (e) of this order below.

(e) All suppliers of this pipe and tobacco chest to sellers at retail shall notify such sellers in writing on or before the first delivery after the effective date hereof that the maximum price of such pipe and tobacco chest at retail is \$1.50 per chest.

(f) This Order No. 114 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 114 (§ 1499.978) shall become effective November 2, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11118; Filed, October 31, 1942; 11:06 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 114 Under § 1499.18 (c) of GMPR]

A. KRAUSE & CO., INC.

Order No. 114 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1950.

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

§ 1499.1114 *Adjustment of maximum prices for salting and storing of sheepskins by A. Krauss & Co., Inc.* (a) The application for adjustment of maximum prices for collecting, spreading, cooling, salting, inspecting, handling, storing and shipping sheepskins for R. B. West Co., Inc. by A. Krauss & Co., Inc., is hereby granted to the extent set forth below:

The maximum price for collecting, spreading, cooling, salting, inspecting, storing and shipping sheepskins for R. B. West Co. by A. Krauss & Co., Inc. shall be \$.096 per skin.

(b) Except as herein above granted the application for adjustment filed by A. Krauss & Co., Inc., and assigned Docket No. GF3-1950 is denied.

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

(d) This order is subject to revocation or amendment by the Price Administrator at any time hereafter, either by special order, or by any price regulation

issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(e) This Order No. 114 (§ 1499.1114) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 114 (§ 1499.1114) shall become effective October 31, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11137; Filed, October 31, 1942; 11:08 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 115 Under § 1499.18 (c) of GMPR]

STRONG WOOD TURNING CORPORATION

Order No. 115 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF1-124-P.

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

§ 1499.1115 *Adjustment of maximum prices for maple discs sold by Strong Wood Turning Corporation.* (a) Strong Wood Turning Corporation of Strong, Maine may sell to E. B. Estes & Sons, Inc., of New York City, and said E. B. Estes & Sons, Inc., may buy from said Strong Wood Turning Corporation, maple discs at a price not exceeding the following:

88¢ per M f. o. b. mill for maple discs 1.082" in diameter by $\frac{3}{16}$ " in thickness.

(b) The relief granted by this order is limited to discs delivered on and after May 11, 1942, and prior to August 9, 1942, the effective date of Maximum Price Regulation No. 196, and is not to supersede maximum prices determinable under said regulation.

(c) This Order No. 115 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 115 (§ 1499.1115) is hereby incorporated as a section of Supplementary Regulation 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 115 (§ 1499.1115) shall become effective on October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11138; Filed, October 31, 1942; 11:07 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 116 Under § 1499.18 (c) of GMPR]

E. B. ESTES & SONS, INC.

Order No. 116 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF1-124-P.

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

§ 1499.1116 *Adjustment of maximum prices for maple discs sold by E. B. Estes & Sons, Inc.* (a) E. B. Estes & Sons, Inc., of New York City, may sell to Anchor Novelty Company, Inc., of Brooklyn, New York, and said Anchor Novelty Company, Inc., may buy from said E. B. Estes & Sons, Inc., maple discs at a price not exceeding the following:

\$1.03 per M f. o. b. mill for maple discs 1.032" in diameter by $\frac{3}{16}$ " in thickness.

(b) The relief granted by this order is limited to discs delivered on and after May 11, 1942, and prior to August 9, 1942, the effective date of Maximum Price Regulation No. 196, and is not to supersede maximum prices determinable under said regulation.

(c) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 116 (§ 1499.1116) is hereby incorporated as a section of Supplementary Regulation 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 116 (§ 1499.1116) shall become effective on October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11139; Filed, October 31, 1942; 11:03 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 117 Under § 1499.18 (c) of GMPR]

WESTERN ELECTRIC COMPANY, INC.

Order No. 117 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-117.

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

§ 1499.1117 *Adjustment of maximum prices for sale of Western red cedar butt-treated poles by the Western Electric Company, Incorporated.* (a) The maximum price for the sale of each class and size of Western red cedar butt-treated pole by the Western Electric Company, Incorporated, shall be the sum of: (1) actual delivered cost of each class and size of pole, and (2) the average dollar mark-up applied in 1941 for the same class and size of pole.

(b) Maximum prices established by this Order No. 117 shall apply to sales by the Western Electric Company, Incorporated, made on and after June 6, 1942.

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

(d) This Order No. 117 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 117 (§ 1499.1117) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 117 (§ 1499.1117) shall become effective October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11127; Filed, October 31, 1942; 11:10 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 118 Under § 1499.18 (c) of GMPR]

HOSPITAL LIQUIDS, INC.

Order No. 118 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1854.

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

§ 1499.1118 *Adjustment of maximum prices charged for use of Compliter Administration units manufactured by Hospital Liquids, Incorporated.* (a) Hospital Liquids, Incorporated, at 843 Adams Street, Chicago, Illinois, and its distributors may charge the following maximum prices for the use or rental of Compliter Administration units manufactured by Hospital Liquids, Incorporated, and any person may pay such prices for the use or rental thereof:

(1) On transactions by Hospital Liquids, Incorporated, the maximum price to its distributors, or its other customers where the transaction is direct, is established at \$.12 per unit.

(2) On transactions by such distributors the maximum price is established at \$.15 per unit.

(b) All discounts (other than the 20 per cent discount off list heretofore given by Hospital Liquids, Incorporated, to its distributors), terms, trade and freight practice, employed by the persons affected by this order upon transactions involving the use or rental of such devices in effect during March 1942, shall apply to the maximum prices established in paragraph (a) above.

(c) Hospital Liquids, Incorporated, shall cause the following notice to be given to all of its distributors:

The Office of Price Administration has permitted us to raise our maximum price for the use or rental of Compliter Administration Unit from \$.10 less 20 per cent discount, to \$.12 per unit net. Your new ceiling price for the use or rental of our Compliter Administration Unit has been established at \$.15 per unit by Office of Price Administration Order No. 118 under § 1499.18 (c) of the General Maximum Price Regulation, Docket No. GF3-1854.

(d) This Order No. 118 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 118 (§ 1499.1118) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 118 (§ 1499.1118) shall become effective October 31, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11128; Filed, October 31, 1942;
11:09 a. m.]

PART 1499—COMMODITIES & SERVICES

[Order 119 Under § 1499.18 (c) of GMPR]

HARVARD APPARATUS COMPANY, INC.

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

§ 1499.1119 *Adjustment of maximum prices for sale of scientific and physiological instruments and apparatus by Harvard Apparatus Company, Inc., of Dover, Massachusetts.* (a) Harvard Apparatus Company, Inc., of Dover, Massachusetts, may sell and deliver and any person may buy and receive the following articles and instruments, at the following prices:

Cannula, arterial.....	\$0.25
Cat: sizes a, b, c, d. Dog: e, f.	
Cannula, tracheal, cats.....	.45
extra small.	
small.	
medium.	
large.	
Cannula, tracheal, dogs.....	1.10
small.	
medium.	
large.	
Cement, colophonium.....	.06
Circulation scheme.....	14.00
Clamp, adjusting.....	3.75
Clamp, curved.....	.30
Clamp, double.....	.65
Clamp, flat-jawed.....	1.45
Clamp, gaskell.....	1.25
Clamp, round-jawed.....	1.45
Clamp, swivel.....	2.50
Clip, artery.....	.75
Clip, frog board.....	.03
Coupler.....	.25
Electrodes, plate.....	.35
Electrodes, rod.....	.20
Electrodes, platinum.....	2.80
Electrodes, silver.....	2.25
Electrodes, shield.....	4.00
Electrodes, unpolarizable, each.....	.35
Electrometer, capillary.....	13.00
Ergograph.....	4.80
Eye, artificial.....	11.00
Frog board.....	1.20
Gas chamber.....	.80
Graduation tube.....	8.80
Holder for boot electrode.....	.35
Holder for plat. electrode.....	1.30
Hook, double.....	.02
Inductarium.....	13.50
Interrupter.....	12.00
Key, rocking, metal.....	4.75
Key, short-circuiting.....	2.45
Key, simple, spring type.....	1.80
Kymograph, medium spring.....	36.00
Lantern, optical.....	14.00
Levelling table.....	5.50
Lever, heart, wire stylus.....	1.10
Lever, heart, wooden stylus.....	1.35
Lever, heavy muscle.....	4.95
Lever, light muscle.....	1.80
Lever, writing.....	.03
Manometer, membrane.....	10.00
Manometer, large mercury.....	4.20
Manometer, small mercury.....	1.70
Molst chamber.....	6.30
Mounting rod, 4.8 mm.....	.20
Mounting rod, 8.8 mm.....	.35
Mounting rod, tubular.....	.35
Muscle warmer.....	1.35

Paper, kymograph, short, 100 for.....	\$1.20
Paper, long, per 100 metres.....	2.35
Plate, adjustable.....	1.40
Plethysmograph tube.....	.50
Pneumograph.....	3.50
Respiration scheme.....	5.20
Rheochord, long model.....	5.50
Rheochord, square model.....	3.50
Right angle rod.....	.55
Ring, wire.....	.01
Scale pan, large.....	.50
Scale pan, small.....	.30
Seeker, stainless.....	1.30
Side rods (four).....	3.00
Signal magnet, 27 mm.....	2.30
Smoker lamp, small.....	13.00
Stand, semicircular base.....	2.00
Stand, adjusting screw.....	5.50
Stand, large, tripod base.....	3.65
Stand, small, tripod base.....	2.60
Stopcock.....	1.10
Tambour, Marey.....	2.45
Tambour, sphygmograph.....	2.45
Tuning fork.....	1.45
Tuning fork starter.....	.35
Volume tube.....	1.20
Weights.....	.02
Work adder.....	6.20
Animal holder.....	24.00
Cannula, pleural.....	2.50
Clamp, heavy.....	1.10
Clamp, double, with binding post.....	.85
Clamp gaskell, with open jaw.....	1.60
Clock, electrical.....	75.00
Head holder, bar.....	3.85
Czermak, small.....	11.80
Czermak, large.....	11.80
Ford, guinea pig.....	5.00
Ford, rabbit.....	5.00
Key, double contact.....	2.75
Kymograph, electric, short.....	265.00
Frame for horizontal use and smoking.....	20.00
Smoker frame arm.....	4.50
Electric, long.....	500.00
Adjusting holder.....	31.00
Kymograph, spring, long.....	85.00
Slow and fast.....	40.00
Paper, for short electric kymograph—100 for.....	3.10
Paper, for long electric kymograph—100 metres:	
25.5 cm.....	3.10
28.5 cm.....	3.45
Pully, hinged handle.....	1.50
Respiration pump.....	110.00
Signal magnet, 10 mm.....	7.70
Smoker clamp for long spring kymograph.....	3.00
Smoker lamp, large.....	16.00

(b) All discounts, allowances, freight and trade practices by the seller, in effect with respect to the sale of the above commodities during March, 1942, shall apply to the maximum prices established under paragraph (a) above.

(c) This Order No. 119 (§ 1499.1119) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 119 (§ 1499.1119), 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. 119 (§ 1499.1119) shall become effective October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11165; Filed, October 31, 1942;
12:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 42 Under § 1499.18 (c) of GMPR]

GLOVERSVILLE KNITTING COMPANY

Order No. 42 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GP3-1412.

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

(a) Order No. 42 (§ 1499.392) under § 1499.18 (c) of the General Maximum Price Regulation, authorizing the Gloversville Knitting Company to enter into adjustable pricing contracts, is hereby revoked.

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

Issued and effective this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11164; Filed, October 31, 1942;
12:11 p. m.]

TITLE 33—NAVIGATION AND
NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

ENEMY ALIENS; AMENDMENT

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (55 Stat. 763), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States, approved September 29, 1942 (7 F.R. 8026) are hereby amended as follows:

By amending § 6.1 (c) to read as follows:

“§ 6.1 Definitions. * * *

(c) The term “enemy aliens” shall include the following:

(1) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(2) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

The term “enemy alien” for the purposes of this part, shall not include the following:

(3) Former German or Japanese citizens or subjects who before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects became and are citizens or subjects of any nation other than Germany or Japan.

(4) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Regis-

tration Act of 1940, provided that such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(5) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(5) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

FRANK KNOX,
Secretary of the Navy.

The White House.

Approved: October 27, 1942.

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-11116, Filed, October 31, 1942;
9:37 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 23]

PART 402—ANNUAL WATER CHARGES¹

RIVERTON IRRIGATION PROJECT; ANNUAL WATER CHARGES²

OCTOBER 3, 1942.

1. *Water rental.* Irrigation water, when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1943 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; against which assessments for water rental were not levied by the Midvale Irrigation District in 1942.

2. *Charges and terms of payment.* The minimum water-rental charge for the irrigation season of 1943 and thereafter until further notice will be One Dollar and ten cents (\$1.10) per acre for each irrigable acre of land for which application has been or is hereafter made which will entitle the applicant to two and two tenths (2.2) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit of public land entered under orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; and for the entire irrigable area in each 40-acre subdivision of private land entitled to water for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used; shall be paid in advance on or before May 1, 1943, and no part of said charge will be refunded. Additional water if available will be furnished during said irrigation season at the rate of One Dollar (\$1.00)

¹ Affects tabulation in § 402.2e.

² (Act of June 17, 1902, 32 Stat. 388, as amended and supplemented.)

per acre-foot, payable on December 1, 1943. When water-rental application is submitted and approved after June 15, 1943, for public land entered under the reclamation law and after August 1, 1943, for land in private ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season. All water-rental charges under this notice should be paid to the Bureau of Reclamation, Riverton, Wyoming.

3. *Penalty for nonpayment.* If payment of the minimum charge be not made on or before May 1, 1943, and payment for additional water furnished be not made on or before December 1, 1943, as herein provided; there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-11176; Filed, November 2, 1942;
9:58 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

INCOME ACCOUNTS; OPERATING REVENUES, ETC.

The Commission on October 27, 1942, effective May 1, 1943, adopted the following amendments:

Table of Contents. Delete § 31.344 *Dividend appropriations of income* and change the title of § 31.416 to read *Dividend appropriations*.

§ 31.3-30 *Purpose of income accounts.* Change the parenthetical expression "(300 to 344, inclusive,)" to read "(300 to 343, inclusive,)."

§ 31.300 *Operating revenues.* In the note following this section, change the expression "†† In §§ 31.300 to 31.344, inclusive" to read "†† In §§ 31.300 to 31.343, inclusive".

§ 31.344 *Dividend appropriations of income.* Delete this entire section, including Notes A and B.

§ 31.400 *Income balance.* Change the parenthetical expression "(300 to 344, inclusive,)" to read "(300 to 343, inclusive,)."

§ 31.416 *Dividend appropriations of surplus.* Change the title of this section to read "*Dividend appropriations*"; change the text of paragraph (a) to read: "This account shall include dividends on capital stock actually outstanding"; change the caption "Note A" to read "Note", and delete all of Note B. (Sec.

4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i), sec. 220, 48 Stat. 1078; 47 U.S.C. 220.)

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-11141; Filed, October 31, 1942;
10:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order No. 93]

Subchapter A—General Rules and Regulations

PART 95—CAR SERVICE

GIANT TYPE REFRIGERATOR CARS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of October, A. D. 1942.

It appearing that due to the existing state of war, an emergency exists which, in the opinion of the Commission, requires immediate action to prevent shortage of refrigerator cars, empty mileage of such cars, and congestion of traffic; and

It further appearing that certain Transcontinental Freight Bureau tariffs contain certain limitations, restrictions, and rate penalties on the use of the so-called giant type of refrigerator cars as defined in such tariffs; and that Service Order No. 86, as amended, will expire on October 31, 1942:

It is ordered, That:

§ 95.301 *Giant type refrigerator cars.* (a) On and after 12:01 a. m. November 1, 1942, and until further order of the Commission, common carriers by railroad subject to the Interstate Commerce Act serving points in Arizona and California shall furnish without regard to ownership, for loading with commodities, in carloads, suitable for transportation in refrigerator cars; and shall accept and transport, giant type refrigerator cars, as defined in paragraph (b) hereof, at the freight rates applicable on the same commodities when loaded in standard refrigerator cars (cars with inside length between bulkheads—loading space—of less than 37 feet 6 inches).

(b) For the purpose of this order, the term "giant refrigerator cars" is defined as refrigerator cars (1) with inside measurement between bulkheads (loading space) of not less than 37 feet 6 inches, (2) convertible refrigerator cars with collapsible bunkers having inside length between bulkheads (loading space) of less than 37 feet 6 inches with bulkheads in place and in excess of 37 feet 6 inches with bulkheads collapsed, and (3) express (Railway Express Agency) refrigerator cars of all sizes: *Provided*, That this order shall not apply to refrigerator cars owned by the Pacific Fruit Express Company or by the Atchison, Topeka & Santa Fe Railway refrigerator car department.

(c) The operation of all rules, regulations, and tariff provisions, including Item 606-B, Supplement 14, to Agent

Kipp's I.C.C. No. 1478, Item 504 of Agent Kipp's I.C.C. No. 1483, and Item 91-B, Supplement 28, to Agent Kipp's I.C.C. No. 1457, or reissues thereof, insofar as they are inconsistent with this order, is hereby suspended.

It is further ordered. That copies of this order and direction be served upon the Railway Express Agency and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy of it, in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11150; Filed, October 31, 1942;
11:22 a. m.]

Chapter II—Office of Defense Transportation

[Special Direction ODT 18, Revised-3]

PART 520—CONSERVATION OF RAIL EQUIP- MENT—EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC TRANSPORTATION OF CERTAIN COMMODITIES

Pursuant to the provisions of § 500.22, Subpart C, (General Order ODT 18, Revised),¹ Part 500, this chapter and title of the Code of Federal Regulations, *It is hereby ordered, That:*

§ 520.481 *Transportation of certain commodities.* Notwithstanding the provisions of § 500.21, Subpart C, (General Order ODT 18, Revised,) Part 500, this chapter and title, of the Code of Federal Regulations, any rail carrier may accept for transportation at point of origin, or forward therefrom, carload freight consisting of any of the following commodities when such car is loaded to the extent hereinafter shown.

(a) *A straight or mixed carload shipment of:*

(1) Rice in packages containing less than 50 pounds each, starch, seed, grain products, grain by-products, cereal food preparations, vegetable oil meal, animal and poultry feed, all in containers, and vegetable oil cake, shall be loaded to a weight not less than 60,000 pounds. Grain, in sacks, of a weight not exceeding 6,000 pounds may be included in mixed carload shipments of any commodities shown in this subparagraph (1) to make up the weight of 60,000 pounds;

(2) Corn or maize (not popcorn) in the ear (shucked or not shucked), oats, unground screenings, sorghum grains in the heads and unthreshed, in a closed freight car, shall be loaded to 80 percent of the weight required by § 500.21 (a) of General Order ODT 18, Revised, or to an elevation not lower than 24 inches from

the ceiling of the car measured at its side walls;

(3) Shelled corn or maize, threshed sorghum grains, soy beans, flaxseed, or grains other than those included in the next preceding paragraph, in a closed freight car, shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls, or up to the lawfully marked grain line of a car so marked;

(4) Coal, in a closed freight car, shall be loaded to 80 percent of the weight required by § 500.21 of General Order ODT 18 Revised, or if the interior walls of the car are partially sheathed or lined to an elevation insufficient to permit such loading without overrunning the sheathing or lining, then to the upmost elevation practicable without causing such overrunning;

(5) Liquids, pastes, and semi-liquids, in wooden barrels or metal drums of not less than 40 gallons capacity each shall be loaded, each drum placed on end, in one tier covering the floor space of the car;

(6) Dried beans, dried peas and dried lentils, in burlap, cotton, or paper bags, shall be loaded to a weight not less than 80,000 pounds;

(7) Canned goods, including milk in cans, shall be loaded to a weight not less than 65,000 pounds;

(8) Rosin and ester gum, in drums, or barrels, shall be loaded, each drum or barrel placed on end, in a tier covering the floor space of the car;

(9) Rosin and ester gum, in bags, shall be loaded 8 tiers high, each tier to be the same length and width as the floor space of the car;

(10) Turpentine, and pine oil, in cans, or bottles, packed in fibre-board boxes, shall be loaded to a weight not less than 40,000 pounds;

(11) Wallboard, ceiling board, and building board (manufactured from fibre or woodpulp), in a closed freight car, shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls;

(12) Roofing materials, prepared, and composition, (including asphalt and asbestos shingles), shall be loaded to a weight not less than 60,000 pounds;

(b) *A straight carload shipment of:*

(1) Cement, in cloth or paper bags, when loaded in a car of 100,000 pounds capacity or greater, shall be loaded to a weight not less than 95,000 pounds;

(2) Peanuts (unshelled), in bags, shall be loaded to a weight not less than 40,000 pounds;

(3) Peanuts (shelled), in bags, shall be loaded to a weight not less than 50,000 pounds;

(4) Sewer pipe 4" to 24" in diameter shall be loaded to a weight not less than 35,000 pounds;

(5) Glass (flat, plate, window and laminated) shall be loaded to a weight not less than 70,000 pounds;

(6) Tobacco, in hogsheads, when origin or destination station is not provided with mechanical equipment for double decking, shall be loaded each hogshead placed upright, in a single tier covering the floor space of the car;

(7) Lime, in containers, shall be loaded to a weight not less than 70,000 pounds;

(8) Lime, in bulk, in a closed freight car, shall be loaded to a weight not less than 80,000 pounds, or if the interior walls of the car are partially sheathed or lined to an elevation insufficient to permit such loading without overrunning the sheathing or lining, then to the upmost elevation practicable without causing such overrunning;

(9) Limestone, ground, in containers shall be loaded to a weight not less than 80,000 pounds.

(10) Citrus fruit shipped during the months of November to March inclusive:

(i) Shipments in standard boxes, when pre-cooled, or when loaded in cars equipped with air circulating fans, shall be loaded each box placed on end, 3 layers high, each layer to be the same length and width as the floor space of the car.

(ii) Non-pre-cooled shipments in Container No. 5004 described in A. A. R. Perishable Division, Freight Container Bureau tariffs Nos. 2-B; Central Western Territory, I. C. C. No. 14, J. J. Quinn, Agent, or F. C. B.-3-A South East Territory, J. J. Quinn, Agent, or supplements thereto and reissues thereof, shall be loaded each container placed bottom or side down, 5 layers high, each layer to be the same length and width as the floor space of the car;

(iii) Non-pre-cooled shipments in container No. 675 described in A. A. R. Perishable Division Freight Container Bureau tariffs Nos. 2-B, Central West Territory, I. C. C. No. 14, J. J. Quinn, Agent, or F. C. B.-3-A South East Territory, J. J. Quinn, Agent, or supplements thereto, and reissues thereof, shall be loaded 3 layers high; 2 layers, each box placed on end, and the top layer, each box to be placed on its bottom, each layer to be the same length and width as the floor space of the car;

(11) Salt, in containers, shall be loaded to a weight not less than 60,000 pounds;

(12) Potash, in paper containers, shall be loaded to a weight not less than 80,000 pounds;

(13) Dry ice (solidified carbon dioxide) shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight;

(14) Oysters, when shipped from producing areas to packing plants or consuming markets not more than 300 miles from point of shipment, shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight;

(15) Lettuce, in standard crates:

(i) When loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 320 crates;

(ii) When loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 368 crates;

(16) Carrots, in standard crates:

(i) When loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 362 crates;

¹ 7 F.R. 8337.

(ii) When loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 433 crates;

(17) Cranberries, in quarter barrel boxes, shall be loaded each box placed bottom down, 6 layers high, each layer to be the same length and width as the floor space of the car;

(18) Dressed poultry, fresh chilled, when shipped from packing plants or warehouses shall be loaded to a weight not less than 28,000 pounds;

(19) Butter and butter substitutes:

(i) When shipped fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

(ii) When shipped fresh, in tubs, or when shipped frozen, in prints, shall be loaded to a weight not less than 45,000 pounds;

(20) Dried eggs, in any type of container, when moving from packing plants or warehouses shall be loaded to a weight not less than 40,000 pounds;

(21) Shell eggs, in standard cases, shall be loaded with not fewer than 600 cases;

(22) Cheese, in any type of container, or in bulk, when shipped from packing plants or warehouses shall be loaded to a weight not less than 40,000 pounds;

(23) Frozen fruits, frozen vegetables, frozen eggs, frozen juices, frozen seafood, frozen poultry and frozen meats, in a closed freight car, packed in cartons or other containers, shall be loaded to an elevation not lower than 18 inches from the ceiling of the car measured at its side wall, each layer of containers to be the same length and width as the floor space of the car;

(24) Potatoes:

(i) In bags, paper sacks, or boxes containing 100 pounds or more each, shall be loaded to a weight not less than 45,000 pounds;

(ii) In bags, paper sacks, or boxes containing less than 100 pounds each, shall be loaded to a weight not less than 42,000 pounds;

(iii) In bulk, shall be loaded to a weight not less than 40,000 pounds;

(25) Apples:

(i) In standard boxes, shall be loaded to a weight not less than 39,900 pounds;

(ii) In baskets of one bushel or less capacity, shall be loaded to a weight not less than 31,500 pounds;

(26) Pears, winter variety, in any type of container, shall be loaded to a weight not less than 37,800 pounds;

(27) Bananas shall be loaded to a weight not less than 23,000 pounds;

(28) Onions, in any type of container, shall be loaded to a weight not less than 40,000 pounds.

(29) Grapes, table variety, in display lugs, or juice variety, in boxes or lugs, shall be loaded to a weight not less than 34,000 pounds;

(c) *Mixed carload shipments of:*

(1) Butter, eggs, and dressed poultry, in any type of container, shall be loaded to a weight not less than 36,000 pounds, except as otherwise provided in this special direction.

(2) Dressed poultry and dairy products, when shipped from producing areas to warehouses or packing plants not more than 300 miles from the point of shipment, shall be loaded to a weight

which equals or exceeds the applicable tariff minimum weight.

(3) Potatoes and onions, in any type of container, shall be loaded to a weight not less than 42,000 pounds.

§ 520.482 *Revocation.* Subpart C (Special Direction ODT 13, Revised-1)² Part 520, this chapter and title of the Code of Federal Regulations, be and the same is hereby revoked effective upon the date this Special Direction ODT 13, Revised-3 becomes effective.

§ 520.483 *Effective date.* This special direction shall become effective November 1, 1942.

Issued at Washington, D. C., this 31st day of October 1942.

V. V. BOATNER,
Director, Division of
Railway Transport.

[F. R. Doc. 42-11201; Filed, November 2, 1942;
11:39 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

FARMERS ELEVATOR SERVICE Co.

ORDER SUPPLEMENTING PRIOR ORDER

In the matter of the registration of the Farmers Elevator Service Company, Ralston, Iowa, as a bona fide and legitimate farmers' cooperative organization.

The above-named registrant having certified to the Division that the farmers' cooperative organization listed below is a member of registrant and a bona fide and legitimate farmers' cooperative organization:

It is ordered, That the list attached to the Order herein dated September 5, 1941, as amended, be, and it is hereby further amended to include therein the name of the farmers' cooperative organization listed below:

Name and Address

Farmers Cooperative Elevator Company,
Allendorf, Iowa.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11196; Filed, November 2, 1942;
11:04 a. m.]

[Docket No. C01-FD]

AMERICAN ROLLING MILL Co.

ORDER POSTPONING HEARING, ETC.

In the matter of the application of the American Rolling Mill Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

Order postponing hearing and extending time for filing concise statement of facts.

The American Rolling Mill Company, applicant, having moved that the hear-

² 7 F.R. 8339.

ing in the above-entitled matter, heretofore scheduled for November 16, 1942, be postponed until December 16, 1942, and that the time be extended for the applicant to file the concise statement in writing of the facts expected to be proved at the hearing, and having shown good cause therefor;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of November 16, 1942, to 10 o'clock in the forenoon of December 16, 1942, at the place and before the officers heretofore designated.

It is further ordered, That the time for the filing by the applicant of the concise statement of the facts expected to be proved at the hearing be, and the same hereby is, extended to December 4, 1942.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11197; Filed, November 2, 1942;
11:04 a. m.]

[Docket No. A-1665]

DISTRICT BOARD No. 8

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 8 for a change in mine name and seam designation for the Rennebaum Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 24, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is

sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 19, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 8 requesting an order granting temporary and permanent relief as follows: that the mine name of Mine Index No. 3817 of Rennebaum Coal Company be changed from "Rennebaum No. 2 Mine" to "Rennebaum No. 2 and 2½ Mine" and that the seam designation for that mine be changed from "Buckeye Springs" to "Buckeye Springs and Sterling."

It appears that the change in the seam name requested in the petition will require the establishment of a minimum price for coals to be mixed from two mines of Rennebaum Coal Company, which are in different seams and which have different price classifications and minimum prices, and that a hearing will be necessary in order to determine if these changes should be made permanent. It further appears, however, that an adequate showing of necessity has been made for the granting of temporary relief permitting the change in name and change in seam designation for the above-named mine as requested.

It is, therefore, ordered, That pending final disposition of the above-named matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 8, for All Shipments Except Truck and for Truck Shipments are supplemented to include the price classification and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T" annexed hereto and made a part hereof.¹

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division 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.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11198; Filed, November 2, 1942;
11:05 a. m.]

¹Not filed with the Division of the Federal Register.

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 167]

COOKING AND HEATING APPLIANCES MANUFACTURING INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRIAL COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby accept the resignation of Miss Alice Hunt from Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, and do appoint in her stead Mr. William Adams Brown, Jr., of Providence, Rhode Island, as representative for the public on such committee.

Signed at Washington, D. C. this 31st day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11199; Filed, November 2, 1941;
11:17 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4783]

PRESS RADIO SERVICE, ETC.

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1942.

In the matter of Joseph Cohen, an individual, trading as Press Radio Service and as Press Supplies.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room of the Federal Trade Commission Building, Washington, D. C.

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 ex-

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11142; Filed, October 31, 1942;
11:44 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 253]

PATENT APPLICATIONS OF ENEMY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095,¹ as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

¹7 FR. 5205.

EXHIBIT A
 Patent applications in the United States Patent Office which are identified as follows:
 Series of 1095

Serial No.	Filing date	Inventor	Title
308, 105	9/3/20	H. Bertsch	Wetting agents.
Series of 1095			
323, 270	10/4/38	A. Rupp	Screw propeller
249, 150	12/9/38	M. Wagner	Driving mechanism for power driven vehicles with auxiliary gearing.
303, 534	11/9/39	H. Ufer et al.	Process for producing condensation products of superpolyamide character.
307, 983	12/7/39	P. Schlack	Synthetic linear polyamides.
308, 170	12/8/39	P. Schlack	Polyvalent lactams.
309, 303	12/14/39	W. Schmidt et al.	Process for the production of alkylic alcohols.
309, 370	12/15/39	A. Friedel et al.	Process for the production of polymeric compounds.
323, 611	3/12/40	M. Hagedorn	Process for the production of high polymeric compounds.
323, 612	3/12/40	M. Hagedorn	Process for the production of artificial leather, linoleum, covering fabrics, driving belts, packing rings and similar structures.
323, 621	3/12/40	E. Hubert et al.	Process for the production of high polymeric condensation products.
327, 632	4/3/40	M. Hagedorn et al.	Manufacture of cyclic amides and artificial materials produced thereof.
335, 001	6/18/40	P. Schlack	Process for manufacture of hydrophilic polymerization. Products of the superpolyamide type.
335, 454	9/6/40	M. Hagedorn	Process for manufacture of hydrophilic polymerization. Products of the superpolyamide type.
335, 455	9/6/40	M. Hagedorn	Process for manufacture of hydrophilic polymerization. Products of the superpolyamide type.
338, 495	9/23/40	P. Schlack	Process for the manufacture of fibers from synthetic linear, polycondensation products.
339, 811	10/4/40	P. Schlack	Materials for a high molecular polyamides.
394, 334	11/14/40	E. Hubert et al.	Interpolyamides.
394, 354	11/15/40	P. Molter	Process of decreasing the sensitiveness to water of formed materials from interpolyamides.
397, 723	11/23/40	O. Herrmann	Foils for coating purposes.
397, 842	12/14/40	W. Schick	Production of linear polyamides.
398, 022	1/16/41	O. Herrmann	Method of producing lactams.
398, 270	2/18/41	O. Herrmann et al.	Polyamides.
398, 271	2/18/41	O. Herrmann et al.	Polyamides.
398, 272	2/18/41	O. Herrmann et al.	Polyamides.
398, 273	2/18/41	O. Herrmann et al.	Polyamides.
398, 274	2/18/41	O. Herrmann et al.	Polyamides.
398, 275	2/18/41	O. Herrmann et al.	Polyamides.
398, 276	2/18/41	O. Herrmann et al.	Polyamides.
398, 277	2/18/41	O. Herrmann et al.	Polyamides.
398, 278	2/18/41	O. Herrmann et al.	Polyamides.
398, 279	2/18/41	O. Herrmann et al.	Polyamides.
398, 280	2/18/41	O. Herrmann et al.	Polyamides.
398, 281	2/18/41	O. Herrmann et al.	Polyamides.
398, 282	2/18/41	O. Herrmann et al.	Polyamides.
398, 283	2/18/41	O. Herrmann et al.	Polyamides.
398, 284	2/18/41	O. Herrmann et al.	Polyamides.
398, 285	2/18/41	O. Herrmann et al.	Polyamides.
398, 286	2/18/41	O. Herrmann et al.	Polyamides.
398, 287	2/18/41	O. Herrmann et al.	Polyamides.
398, 288	2/18/41	O. Herrmann et al.	Polyamides.
398, 289	2/18/41	O. Herrmann et al.	Polyamides.
398, 290	2/18/41	O. Herrmann et al.	Polyamides.
398, 291	2/18/41	O. Herrmann et al.	Polyamides.
398, 292	2/18/41	O. Herrmann et al.	Polyamides.
398, 293	2/18/41	O. Herrmann et al.	Polyamides.
398, 294	2/18/41	O. Herrmann et al.	Polyamides.
398, 295	2/18/41	O. Herrmann et al.	Polyamides.
398, 296	2/18/41	O. Herrmann et al.	Polyamides.
398, 297	2/18/41	O. Herrmann et al.	Polyamides.
398, 298	2/18/41	O. Herrmann et al.	Polyamides.
398, 299	2/18/41	O. Herrmann et al.	Polyamides.
398, 300	2/18/41	O. Herrmann et al.	Polyamides.

[F. R. Doc. 42-11166; Filed, October 31, 1942; 11:52 a. m.]

registrations thereof together with the respective good will of the business in the United States and all its possessions, to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any per-

TRADEMARK OF ENERGY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9085, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

The Trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, and the

son, firm, corporation or government for past infringement thereof.

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-mark registration No.	Date	Registrant	Character of goods
164, 353	10/21/22	Aachener Thiermilchwasser "Kaiserbrunnen" A. G.	Certain named medicinal and toilet preparations.
164, 373	10/21/22	Arthur Muller Bauteile und Industriewerke	Building materials and portable bldgs.
164, 374	10/21/22	Chemische Fabrik von Heyden, A. O.	Building materials and portable bldgs.
164, 419	10/21/22	Deutsche Capellan & Zinnblechwerke G. m. b. H.	Bottle caps.
164, 478	10/21/22	Pat.	
164, 514	10/21/22	Kamm & Meißner, A. O.	Records, panels of wood, etc.
164, 515	10/21/22	Robert Fabig G. m. b. H., Merschleben-U. App.	Typewriting machines and parts.
164, 516	10/21/22	Stahlgewerkschaft	Fountain pens.
164, 517	10/21/22	Nepera Tuba II—Montblanc-Simple G. m. b. H.	
164, 518	10/21/22	Pat.	
164, 519	10/21/22	Chemische Fabrik von Heyden, A. O.	Certain named electrical apparatus, etc.
164, 520	10/21/22	Gerb- und Färbstoffverh. H. Renner & Co. A. O.	Solids in the preparation of protein therapeutics.
164, 521	10/21/22	Jurid. Schwarzbart	Meat and fish curing extracts.
164, 522	10/21/22	Vox-Schallplatten und Schallmischmaschinen-A. G.	Printing machines, etc.
164, 523	10/21/22	Kobunshi Kaisha Hiroo Sumpel Shoten	Certain named toilet preparations.
164, 524	10/21/22	P. Merck	Dihydroxyacetonechlorohydrate.
164, 525	10/21/22	P. Merck	Colloidal silver preparation combined with sodium chloride as protective colloid.
164, 526	10/21/22	P. Merck	Methylene blue silver compound.
164, 527	10/21/22	P. Merck	Acetylsalicylthiochromine.
164, 528	10/21/22	P. Merck	Preparation of barium sulphate (purest) for roentgen administration used in X-ray diagnosis.
164, 529	10/21/22	P. Merck	A suspension of animal charcoal of the highest adsorptive power ready for injections.

[F. R. Doc. 42-11166; Filed, October 31, 1942; 11:53 a. m.]

[Vesting Order 255]

TRADE-MARKS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, and the registrations thereof together with the respective good will of the business in the United States and all its possessions, to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to, formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the

national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-mark registration No.	Date	Registrant	Character of goods
160, 440	10/24/22	Carrosserie Van Den Plas Societe Anonyme.	Motor-car bodies, etc.
160, 636	10/24/22	Nnamloozee Vennootschap tot Exploitatie van Cacaoen Chocolaadfabrieken Maatschappij A. Driessen.	Chocolate, etc.
160, 672	10/24/22	Societe Industrielle d'Impressions et de Tissus d'Art.	Printed, pressed, ornamented or decorated knitted, netted, and textile fabrics, etc.
160, 673	10/24/22	Societe Rodier. Record Title in—Societe a Responsabilite Limitee "Rodier."	Woolen piece goods, etc.
160, 782	10/24/22	Des Produits Chimiques Coignet.	Foods and ingredients of foods.
161, 628	11/14/22	Dr. Otto Lederer.	Aspirators, etc.
161, 640	11/14/22	Marret, Bonnin, Lebel & Guleu.	Alloys for use in the manufacture of jewelry, etc.
161, 681	11/14/22	Parfumerie Roger & Gallet.	Pastes and powders.
161, 629	11/14/22	Societe Anonyme des Produits du Lion Noir.	Certain named chemical compounds.
161, 630	11/14/22	Societe Anonyme des Produits du Lion Noir.	Certain named chemical compounds.
161, 631	11/14/22	Societe Anonyme des Produits du Lion Noir, by Nicolas Alfred Fernand Georg, (Administrator).	Certain named polishes, etc.
161, 634	11/14/22	Souchon Rion & Cie.	Cotton goods in the piece.
161, 635	11/14/22	Leondort Vermeulen.	Ointment for treatment of burns, etc.
161, 741	11/21/22	Arlatta & Cie.	Chicory.
161, 816	11/21/22	Paul Metadier.	Analgesic tablets.
161, 840	11/21/22	Ste. An. de Couleurs d'Aniline et Products Chimiques "SACA".	Certain named chemicals and dyestuffs.

[F. R. Doc. 42-11157; Filed, October 31, 1942; 11:53 a. m.]

[Vesting Order 264]

Y. TAKAKUWA & CO. V. THE HOOSIER VENEER CO. OF INDIANAPOLIS, RECEIVERSHIP FILE 9-100-017-1327

Under the authority of the Trading with the Enemy Act as amended, Execu-

tive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by W. C. Bachelder, Receiver for Hoosier Veneer Company, acting

under the judicial supervision of Marion Circuit Court of the State of Indiana, in and for the County of Marion;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely, Y. Takakuwa & Company whose last known address is Otaru, Japan; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Y. Takakuwa & Company against Hoosier Veneer Company, in receivership,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11168, Filed; October 31, 1942; 11:53 a. m.]

[Vesting Order 265]

ESTATE OF ANDREAS HAIST, ALSO KNOWN AS ANDREAS SCHMIDT, DECEASED FILE D-28-1441

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Goutte, Execu-

tor, acting under the judicial supervision of Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Anna Maria Haist whose last known address is Germany and Friedericke Haist whose last known address is Germany; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Maria Haist and Friedericke Haist, and each of them, in and to the Estate of Andreas Haist, also known as Andreas Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 23, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11159; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 266]

ESTATE OF OTTO CONSEUR, DECEASED
FILE 9-100-017-283

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the pro-

cess of administration by Charles A. White, Administrator, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Erie;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Berta Conseur, Hedwig Ehrke, Hertha Voltz, Friedrich Conseur and Karl Conseur whose last known addresses are Germany; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Berta Conseur, Hedwig Ehrke, Hertha Voltz, Friedrich Conseur and Karl Conseur, and each of them, in and to the Estate of Otto Conseur, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11160; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 267]

ESTATE OF GEORGE T. WEED, DECEASED
FILE D-39-1500

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property

Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Manufacturers and Traders Trust Company, John K. Walker and Shepard Kimberly, Executors, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Erie;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely, Reverend Petero M. Wakatsuki whose last known address is Nibancho, Tsu City, Japan; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Reverend Petero M. Wakatsuki in and to the Estate of George T. Weed, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11161; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 263]

ESTATE OF AUGUST KRAMER, DECEASED,
FILE D-28-1366

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pur-

suant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Karl H. Jeppeson, Administrator, acting under the judicial supervision of District Court, Twelfth Judicial District of the State of Montana, in and for the County of Liberty;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Franz Kramer, Karl Kramer, Marie Kramer, Marie Reisner, Paulina Schmidt and Joseph Geisinger whose last known addresses are Germany; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Franz Kramer, Karl Kramer, Marie Kramer, Marie Reisner, Paulina Schmidt and Joseph Geisinger, and each of them, in and to the Estate of August Kramer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11162; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 269]

ESTATE OF MARIE LOUISE JOOS, DECEASED
FILE 9-100-017-1200

Under the authority of the Trading with the enemy Act as amended, Execu-

tive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Allston Headley and George E. Richards, Executors, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Rensselaer;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Gustav Joos whose last known address is Stuttgart, Germany; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gustav Joos in and to the Estate of Marie Louise Joos, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11163; Filed, October 31, 1942; 11:54 a. m.]

[Amendment of Vesting Order 13]

ROBERT BOSCH

Whereas, Pursuant to Vesting Order Number 13 of May 29, 1942, the undersigned intended to vest, among other

7 FR. 4128.

things, a United States Patent described as follows:

Number: 2,142,094.

Date: January 3, 1939.

Inventor: Walter Dorn.

Title: Magneto.

Record owner: Robert Bosch, G. m. b. H., of Germany; and

Whereas, In describing such patent in Exhibit A attached to and made a part of such Vesting Order Number 13, the number thereof was, as the result of a typographical error, inadvertently designated as "2,141,094";

Now, therefore, Vesting Order Number 13 of May 29, 1942 is hereby amended as follows and not otherwise:

By changing the number "2,141,094" appearing in Exhibit A attached thereto and made a part thereof to "2,142,094".

All other provisions of such Vesting Order Number 13 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11151; Filed, October 31, 1942; 11:53 a. m.]

[Amendment of Vesting Order 82]

TOYO MACHINE CO., INC.

Vesting Order Number 82 of July 30, 1942, is hereby amended as follows and not otherwise:

By deleting that section of subparagraph (a) thereof which reads as follows:

All of the capital stock of Toyo Machine Co., Inc., a New York corporation, consisting of 100 shares of no par value common stock registered in the name of Toyo Machine Co., Osaka, Japan,

and by substituting therefor the following:

All of the issues and outstanding capital stock of Toyo Machine Co., Inc., a New York corporation, consisting of three shares of no par value common stock registered in the name of, and owned by, Toyo Machine Co., Osaka, Japan.

All other provisions of such Vesting Order Number 82 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11152; Filed, October 31, 1942; 11:53 a. m.]

S. JAMES CROWLEY AND EDWARD C. TEFFT
CERTIFICATE OF APPOINTMENT

Certificate of appointment with power to make and revoke authorizations and to designate supervisors.

7 FR. 7050.

Know all men by these presents, that, pursuant to the authority vested in me by Executive Order No. 9095, as amended, I do hereby appoint and designate S. James Crowley, Chief of the Division of Business Operations, and Edward C. Tefft, Chief of the Division of Liquidation, severally, as my agents and delegates to make and to revoke, on my behalf, authorizations of transactions with respect to any property or business enterprise subject to the authority and power conferred upon me; and with respect to any specific property or business enterprise subject to such authority and power to appoint and designate supervisors for such property or business enterprise, who shall have power to make and to revoke, on my behalf, authorizations of transactions.

All transactions, involving any such property, or by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which I have undertaken the supervision or which has been vested by me or assets of or interests in which have been vested by me, or involving any property in which such business enterprise has any interest, and control of which has been released by the Secretary of the Treasury pursuant to Executive Order No. 9095, as amended, are prohibited unless authorized by me or by one of my said delegates or by a supervisor designated for such property or business enterprise by me or by one of my said delegates.

In testimony whereof, I have hereunto set my hand and seal this 30th day of October, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11153; Filed, October 31, 1942;
11:52 a. m.]

JAMES E. MARKHAM

CERTIFICATE OF APPOINTMENT

Certificate of Appointment as Deputy Alien Property Custodian with power to execute proxies.

Know all men by these presents; That I do hereby designate, appoint and authorize James E. Markham, of Lowell, Massachusetts, as my delegate to execute proxies upon any shares of stock in any corporation which are held by me or stand in my name or which I have power to vote by virtue of my office; proxies executed in my behalf by the said James E. Markham shall have the same force and effect as if they were executed by myself. This instrument in no way limits my certificate of appointment, dated March 19, 1942, designating and appointing the said James E. Markham Deputy Alien Property Custodian, which I hereby confirm and ratify together with all the powers and authority thereby delegated, conferred and vested.

In testimony whereof, I have hereunto set my hand and seal this 30th day of October, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11154; Filed, October 31, 1942;
11:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under MPR 114].

SCOTT PAPER COMPANY

ORDER GRANTING EXCEPTION

Order No. 2 under Maximum Price Regulation No. 114—Woodpulp.

On September 2, 1942, Scott Paper Company, Chester, Pennsylvania, filed a petition for exception under the provisions of paragraph (c) of § 1347.230 of Maximum Price Regulation No. 114. Due consideration has been given to the petition, and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) That Scott Paper Company may purchase groundwood woodpulp from the Minas Basin Pulp and Power Company, Ltd., at a price not to exceed \$28.50 per short air dry ton, f. o. b. Hantsport, Nova Scotia, and may pay rail freight in addition in such amounts that the delivered cost to the Petitioner at Chester, Pennsylvania, of groundwood pulp so purchased shall not exceed \$53.90 per air dry ton for groundwood pulp 50% air dry, and \$49.67 per air dry ton for such pulp 60% air dry.

(b) The permission granted to Scott Paper Company in this Order No. 2 is subject to the following condition:

(1) That the petitioner agrees with the Administrator in writing before November 10, 1942 that the amount of relief granted herein will not be used, either alone or in conjunction with any other cost factors, as a ground for the petitioner's seeking relief from the provisions of any maximum price regulation establishing maximum prices for any product of the Petitioner into which the groundwood woodpulp dealt with in this Order No. 2 goes.

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

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1347.230 of Maximum Price Regulation No. 114 shall apply to terms used herein.

(f) This Order No. 2 shall become effective October 31, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11093; Filed, October 30, 1942;
12:17 p. m.]

[Order 72 Under MPR 120]

A. H. THORLMAN AND P. W. OERTEL

ORDER GRANTING ADJUSTMENT

Order No. 72 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-50.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Albert H. Thorman, Pendroy, Montana, and Paul W. Oertel, Pendroy, Montana, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraphs (b) (1) and (b) (2) below at prices not to exceed the respective prices stated therein;

(b) (1) Coals in Size Group 2 produced at the Kellogg Mine (Mine Index No. 175) of Albert H. Thorman, in District No. 22, may be sold for shipment by truck or wagon at prices not to exceed \$7.00 per net tons, f. o. b. the mine;

(2) Coals in Size Group 2 produced at the Oertel Mine (Mine Index No. 215) of Paul W. Oertel, in District No. 22, may be sold for shipment by truck or wagon at prices not to exceed \$7.00 per net ton, f. o. b. the mine.

(c) This Order No. 72 may be revoked or amended by the Price Administrator at any time:

(d) Unless the context otherwise requires the definitions set forth in § 1340.208 shall apply to all terms used herein;

(e) This Order No. 72 shall become effective October 31, 1942.

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

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11034; Filed, October 30, 1942;
12:16 p. m.]

[Suspension Order 150]

CLEM P. MOHLER

ORDER RESTRICTING TRANSACTIONS

Clem P. Mohler, Frederick, Maryland, hereinafter called respondent, was served with a notice of charges of violations of Ration Order No. 5, Emergency Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on the 10th day of September 1942, in Baltimore, Maryland. There appeared a representative of the Office of Price Administration and the respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent has violated Ration Order No. 5, Emergency Gasoline Rationing Regulations in that,

(1) On June 29, 1942, at the dealer outlet operated by him at Sixth and Market Streets, Frederick, Maryland, respondent on two separate occasions transferred six gallons of gasoline to a consumer and delivered the same into the fuel tank of a motor vehicle clearly identifiable as a private passenger vehicle without in either instance requiring the exhibition of any gasoline rationing

card Class X and without in either instance cancelling or witnessing the cancellation of any gasoline rationing card Class A or B.

(2) On June 30, 1942, at the dealer outlet operated by him at Sixth and Market Streets, Frederick, Maryland, respondent transferred six gallons of gasoline to a consumer and delivered the same into the fuel tank of a motor vehicle clearly identifiable as a private passenger vehicle without at the time of such transfer requiring the exhibition of any gasoline rationing card Class X and or cancelling or witnessing the cancellation of any gasoline rationing card Class A or B.

Because of the great scarcity and critical importance of gasoline in Maryland, violations of Ration Order No. 5, Emergency Gasoline Rationing Regulations, by the respondent necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national defense. It appears to the Deputy Administrator from the evidence before him that violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent are likely unless appropriate administrative action be taken.

It is therefore ordered:

(b) During the period in which this suspension order shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any gasoline at or for the above described dealer outlet.

(2) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer to respondent, any gasoline at or for the above described dealer outlet.

(3) Respondent shall not sell, transfer, or deliver any gasoline to any consumer at the above described dealer outlet.

(c) Any terms used in this suspension order that were defined in Ration Order No. 5, Emergency Gasoline Rationing Regulations, shall have the meaning therein given them.

(d) This suspension order shall become effective November 5, 1942, and unless sooner terminated shall expire November 20, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H, 7 F.R. 3378, 3877, 5216.)

Issued this 30th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-11096; Filed, October 30, 1942;
12:17 p. m.]

[Suspension Order 151]

LONG HOOK DEVELOPMENT CO.
ORDER RESTRICTING TRANSACTIONS

Long Hook Development Company, a corporation, hereinafter called respondent was served with a notice of charges

of violations of Ration Order No. 5A, Gasoline Rationing Regulations issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on the 16th day of September 1942, in Wilmington, Delaware. 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 having been considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 19, 1942, at a filling station operated by it at 525 South Market Street, Wilmington, Delaware, respondent transferred gasoline to a consumer and into the fuel tank of a motor vehicle without requiring the presentation of a gasoline coupon book issued with respect to said motor vehicle and without detaching therefrom any coupons.

Because of the great scarcity and critical importance of gasoline in Delaware, violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondent necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator from the evidence before him that further violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(b) During the period in which this suspension order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any consumer at its filling station at 525 South Market Street, Wilmington, Delaware.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any gasoline at or for its filling station at 525 South Market Street, Wilmington, Delaware.

(3) No person, firm, or corporation shall deliver or in any manner directly or indirectly transfer to respondent, any gasoline at its filling station at 525 South Market Street, Wilmington, Delaware.

(c) Any terms used in this suspension order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations shall have the meaning therein given them.

(d) This suspension order shall become effective 12:01 A. M. November 5, 1942, and unless sooner terminated, shall expire 12:01 A. M. November 20, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H, 7 F.R. 3378, 3877, 5216)

Issued this 30th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-11096; Filed, October 30, 1942;
12:17 p. m.]

[Order 12 Under MPR 169]

SWIFT AND COMPANY

ORDER APPROVING PRICES'

Order No. 12 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-165.

Approval of Maximum Prices of new items pursuant to § 1364.52 (j).

Maximum prices for sales by Swift and Company of Chicago, Illinois, of boneless beef for army canned meat are herein approved.

For the reasons set forth in the opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered:

(a) Swift and Company of Chicago, Illinois, and each of its branches and subsidiaries, and each company owned or controlled by Swift and Company (hereinafter jointly and severally referred to as "Swift and Company"), may sell and deliver; agree, offer, solicit and attempt to sell and deliver boneless beef for army canned meat and any person may buy and receive from Swift and Company such boneless beef for army canned meat at delivered prices not in excess of those established for the zones as follows:

Zone and Area

Zone I: Washington, Oregon, California and Nevada.

Zone II: Idaho, Montana, Wyoming, Utah and Arizona.

Zone III: Colorado and New Mexico.

Zone IV: North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, Texas, all that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon and Crawford, Iowa, except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee; all that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Andrian, Montgomery, Warren, Franklin, Washington, St. Francis, Madison, Wayne, and Butler.

Zone V: All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant; the following counties of Michigan: Gogebic, Ontonagon, Houghton, Baraga, Iron, Dickinson, Marquette, and Menominee; all that portion of Illinois north and west of and including the counties of Vermillion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe; the following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee; the following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis and Jefferson; the following counties of Indiana: Lake, Newton, Benton and Warren.

Zone VI: Indiana, except the counties of Lake, Newton, Benton and Warren; all that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph; all that portion of Kentucky west and north of and including the counties of Todd, Muhlenberg, Ohio, Grayson, Hardin, Larue, Marion, Washington, Anderson, Shelby, Henry and Carroll; the county of Berrien in Michigan; the following counties of Missouri: St. Genevieve, Perry, Cape Girardeau, Bollinger, Scott, Stoddard, New Madrid, Mississippi, Dunklin and Pemiscot; the following counties of Tennessee: Dyer, Obion, Crockett, Gibson, Weakley, Car-

roll, Henry, Benton, Houston, Stewart and Montgomery; Arkansas; all that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Pointe Coupee Parish and west of and including the Parishes of Pointe Coupee, St. Martin, Iberia and Vermilion.

Zone VII: Michigan except the counties of Gogebic, Ontonagon, Houghton, Baraga, Iron, Dickinson, Marquette, and Menominee; Ohio; the following counties of New York: Niagara, Erie, Cattaraugus and Chautauqua; all that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette; all that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo; all that portion of Kentucky east of and including the counties of Campbell, Kenton, Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan; all that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy and Marion, but excluding the counties of Obion, Dyer, Crockett, Gibson, Weakley, Carroll, Henry, Benton, Houston, Stewart and Montgomery; the following counties of Alabama: Jackson, Madison, Morgan, Limestone, Lauderdale, Colbert, Lawrence, Cullman, Winston, Franklin, Marion, Walker, Fayette and Lamar; all that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

Zone VIII: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broome, but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua; the following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Centre, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton; the following counties of Maryland: Garrett and Allegany; all that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; the following counties of Virginia: Highland, Bath, Alleghany, Craig, Montgomery, Floyd, Carroll, Pulaski, Giles, Bland, Wythe, Grayson, Smyth, Tazewell, Buchanan, Russell, Washington, Dickenson, Wise, Scott and Lee; all that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton; all that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke and Cleveland; all that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield; all that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas; all that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens; all that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren; all that portion of Louisiana east of and including the parishes of West Feliciana, West Baton Rouge, Iberville, Assumption, and St. Mary; all that portion of Florida west of and including the counties of Leon and Wakulla.

Zone IX: Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut; all that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and south-

east of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx and Kings; New Jersey; all that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin; Delaware; all that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and St. Marys; District of Columbia; all that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick; all that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston; all that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort; all that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks; the following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

Zone X: All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Ocala, Polk, Hillsborough and Pinellas.

(2)

Zone	Maximum delivered price per cwt.
I.....	\$23.75
II.....	22.75
III and IV.....	21.75
V.....	22.25
VI.....	22.59
VII.....	22.75
VIII.....	23.00
IX.....	23.25
X.....	23.59

(3) In the event boneless beef for army canned meat is ordered and delivered frozen, Swift and Company may add 25¢ per cwt. to the applicable zone prices established in subparagraph (a) (2) hereof, for such freezing.

(4) The maximum delivered price for boneless beef which does not qualify as boneless beef for army canned meat or which has been rejected by the United States Army or any of its authorized agents or representatives shall be 50¢ per cwt. lower than the applicable zone price established for boneless beef for army canned meat.

(b) "Boneless beef for army canned meat" as used in this order means beef derived from the grades and classes and satisfying the specifications and requirements contained in Notice No. 22, "Beef for Canned Meats", issued August 8, 1942 by the Chicago Quartermaster Depot of the United States Army. Any boneless beef for canned meats which has been rejected by the United States Army, or any of its authorized agents or representatives shall not be sold as boneless beef for army canned meat.

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

(d) This Order No. 12 may be revoked or amended by the Price administrator at any time.

(e) Unless the context otherwise requires the definitions set forth in

§ 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(f) This Order No. 12 shall become effective October 31, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11120; Filed, October 31, 1942; 11:03 a. m.]

[Order 27 Under RPS 6]

CRUCIBLE STEEL COMPANY

ORDER DENYING PETITION

Order No. 27 Under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-28.

On October 1, 1942, Crucible Steel Company of America, New York, N. Y., filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (b) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 27 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 under the Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) That the petition for exception of Crucible Steel Company of America be and it hereby is denied.

(b) This Order No. 27 shall become effective October 31, 1942.

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

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11135; Filed, October 31, 1942; 11:06 a. m.]

[Order 4 Under RPS 41]

KEY COMPANY

ORDER ESTABLISHING MAXIMUM PRICES

Order No. 4 Under Revised Price Schedule No. 41—Steel Castings—Docket No. 3041-5.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, it is hereby ordered:

Adjustment of maximum prices of the Key Company on sales of gun base castings for the Oerlikon antiaircraft gun.

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41 the Key Company of East St. Louis, Illinois, may sell and deliver gun base castings for the Oerlikon antiaircraft gun pursuant to contracts with the United States or any agency

thereof, or subcontracts under any such contract, at prices not in excess of 25.5 cents per pound delivered and any person may buy and receive said castings from the Key Company as above.

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

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

(d) This Order No. 4 shall become effective November 2, 1942 and shall operate retroactively from August 12, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11134; Filed, October 31, 1942;
11:07 a. m.]

[Order 9 Under MPR 169]

SOUTH SAN FRANCISCO PACKING AND PROVISION CO.

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No.-9 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-168.

On October 10, 1942 South San Francisco Packing and Provision Company, 1400 Evans Avenue, San Francisco, California, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169 as amended. Due consideration has been given to the petition and an Opinion in support of this Order No. 9 has been issued simultaneously herewith.

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 Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) South San Francisco Packing and Provision Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver beef carcasses of the grade "good" at a price not higher than 21½ cents per pound to retailers. Such retailers may buy and receive beef carcasses of the grade good at the price from the South San Francisco Packing and Provision Company.

(b) South San Francisco Packing and Provision Company shall mail or cause to be mailed to all persons who purchase beef carcasses and wholesale cuts from it for sale at retail a notice reading as follows:

The Office of Price Administration, by Order No. 9 effective November 2, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, has permitted us to raise our maximum price for sale to you of beef carcass, good grade, from 21¢ per pound to 21½¢ per pound.

This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of beef carcasses. In order that we may continue to provide you with beef carcasses, good grade, it will be necessary for you to accept this reduction in your margin.

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

(d) This Order No. 9 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 9 shall become effective November 2, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11166; Filed, October 31, 1942;
12:11 p. m.]

[Order 3 Under § 1426.8 (c) of MPR 216]

SEABOARD AIR LINE RAILWAY

ORDER GRANTING ADJUSTMENT

Order No. 3 Under § 1426.8 (c) of Maximum Price Regulation 216—Railroad Ties.

On August 18, 1942, the Seaboard Air Line Railway filed an application for adjustment of its maximum prices for the purchase of certain species and sizes of railroad cross ties. Such filing has been considered as an application for adjustment pursuant to § 1426.8 (c) of Maximum Price Regulation 216—Railroad Ties.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1426.8 (c) of Maximum Price Regulation 216, *It is hereby ordered:*

(a) The Seaboard Air Line Railway may buy and receive and any person may sell and deliver to the Seaboard Air Line Railway the species and sizes of railroad cross ties set forth below at prices not in excess of the following:

[Maximum prices]

Species	Length	Sizes ¹		
		5	4	3
White oak.....	8'6"	\$1.28	\$1.13	\$.93
Red and black cypress.....	8'6"	1.23	1.08	.93
Sap pine.....	8'6"	1.03	.93	.78
Near heart pine.....	8'6"	1.08	.98	.83

¹ Manufactured in accordance with the specifications for cross ties of the American Railway Engineering Association.

The above maximum prices include loading on cars at any delivery point on the right of way of the Seaboard Air Line Railway;

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

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1426.10 of Maximum Price Regulation 216 shall apply to the terms used herein;

(e) This Order No. 3 shall become effective November 2, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11121; Filed, October 31, 1942;
11:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 16-1]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER DISAPPROVING AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of October A. D. 1942.

National Association of Securities Dealers, Inc., a registered national securities association under section 15A of the Securities Exchange Act of 1934, having filed with this Commission copies of certain proposed changes in and additions to the by-laws and rules of the said association, and certain information pertaining to the manner of adoption of the said changes and additions, and their effect upon the membership of the said association;

The Commission having held a public hearing upon the proposed amendment to section 1 of Article I of the said by-laws, imposing certain fixed minimum net capital requirements as a condition of admission to and continuation in membership, at which hearing representatives of the said association and various of its members appeared;

The Commission, having duly considered the matter, and having this day issued its Findings and Opinion;

It is ordered, That the said proposed amendment to section 1 of Article I of the by-laws of the said Association be, and the same hereby is, disapproved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11113; Filed, October 30, 1942;
3:11 p. m.]

[File No. 8-3]

FOELBER-PATTERSON, INC.

ORDER DENYING APPLICATION

In the matter of Foelber-Patterson, Inc., 1315 Lincoln Bank Tower, Fort Wayne, Indiana.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of October, A. D. 1942

Foelber-Patterson, Inc., having applied for registration as an over-the-counter broker-dealer, proceedings having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether Eugene F. Foelber and Sidney B. Patterson willfully violated section 15 (c) (1) of that Act and rules and regulations of the Commission adopted thereunder, and whether it is in the public interest to deny such applications, hearings having been held after due notice, the Commission having heard argument and being fully advised in the premises, and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion that the application be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11112; Filed, October 30, 1942;
3:11 p. m.]

[File Nos. 59-17, 59-11, 54-25]

THE UNITED LIGHT AND POWER CO., ET AL.
NOTICE OF FILING OF RESPONDENTS'
APPLICATION NO. 17

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of October, A. D. 1942.

In the matter of the United Light and Power Company, the United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File Nos. 59-17, 59-11; the United Light and Power Company, Applicant, File No. 54-25.

The Commission having previously, by order, instituted section 11 (b) (1) and 11 (b) (2) proceedings against the respondents,

And the American Light & Traction Company, a registered holding company and one of the Respondents herein, having on October 30, 1942 filed an application in these proceedings, now designated by this Commission as Application No. 17.

Notice is hereby given that this Application has been filed. The application may be summarized as follows:

On October 24, 1942, the American Light & Traction Company, the sole owner of the common stock of the San Antonio Public Service Company, sold all the stock for \$10,000,000 in cash. It now proposes to apply \$4,000,000 of these proceeds in full payment of its outstanding bank loans which are payable at any time without notice and payment of premiums.

Notice is further given that any interested person may, not later than November 6, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time, thereafter, such Application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said Application, which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized above.

The Applicant has requested that an order be entered granting such Application within ten days after the filing date or by November 9, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
 Secretary.

[F. R. Doc. 42-11171; Filed, November 2, 1942; 9:54 a. m.]

[File No. 70-617]

MINNESOTA UTILITIES CO. AND AMERICAN UTILITIES SERVICE CORP.
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation, a registered holding company, and its subsidiary, Minnesota Utilities Company; and

Notice is further given that any interested person may, not later than November 14, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of such interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Minnesota Utilities Company proposes to enter into an agreement with Tri-County Electric Cooperative and Dairyland Power Cooperative for the sale of the electric properties comprising its Root River Division, located in the counties of Fillmore and Houston in the State of Minnesota, for the sum of \$386,000 in cash, subject to certain adjustments. It is contemplated that Tri-County Electric Cooperative and Dairyland Power Cooperative will also purchase materials and supplies and accounts receivable with respect to said Root River Division. Minnesota Utilities Company will employ the proceeds of said sale for the partial payment of its note indebtedness to its parent, American Utilities Service Corporation. It is contemplated that said sale and purchase will be consummated on or before December 1, 1942, but in no event later than December 31, 1942.

In accordance with the terms of the Indenture securing its Collateral Trust 6% Bonds, Series A, American Utilities Service Corporation will deposit the sum received from Minnesota Utilities Company, estimated to be approximately \$386,000, with Continental Illinois National Bank and Trust Company of Chicago, Trustee. American Utilities Service Corporation plans to use \$36,000 of said \$386,000 for investment in additional securities of operating companies remaining in the system and will request

the Trustee of its Collateral Trust 6% Bonds, Series A, to advertise for tenders of \$350,000 of such bonds to be purchased at the option of American Utilities Service Corporation with the "release moneys" so held by the Trustee. American Utilities Service Corporation has filed a copy of the material to be used by the Trustee for purposes of advertisement and by the company for purposes of a postal card notice which will be mailed to all known holders of said Collateral Trust 6% Bonds, Series A. It is contemplated that publication and mailing of notices will be completed prior to December 31, 1942, but in no event later than February 1, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
 Secretary.

[F. R. Doc. 42-11172; Filed November 2, 1942; 9:54 a. m.]

[File No. 70-615]

KENTUCKY UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of October, A. D., 1942.

Kentucky Utilities Company, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding a reduction of the interest rate on \$3,437,500 principal amount of its outstanding unsecured serial notes due May 1, 1943, to May 1, 1946, from 3 $\frac{3}{8}$ % per annum to 3 $\frac{1}{4}$ % per annum:

Said declaration having been filed on October 12, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit the declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23, and the applicable provisions of said Act and subject to the terms and conditions prescribed by Rule U-24, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DuBOIS,
 Secretary.

[F. R. Doc. 42-11173; Filed, November 2, 1942; 9:54 a. m.]

